

Appendix K

Scoping Report

Prepared by BRG Consulting, Inc.

ENVIRONMENTAL IMPACT STATEMENT SCOPING REPORT

MANZANITA CASINO

MANZANITA BAND OF KUMEYAAY INDIANS FEE-TO-TRUST AND CASINO/HOTEL PROJECT

Lead Agency:

U.S. Department of the Interior, Bureau of Indian Affairs
Pacific Region, 2800 Cottage Way, Room W-2820
Sacramento, CA 95825-1846



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SECTION 1.0

Introduction



Section 1.0

INTRODUCTION

The Bureau of Indian Affairs (BIA) is preparing an Environmental Impact Statement (EIS) for a proposed Fee-to-Trust Annexation of 60.8 acres and subsequent casino facility and hotel and other ancillary uses by the Manzanita Band of Kumeyaay Indians in Calexico, California. This scoping report describes the EIS scoping process, explains the purpose and need for the Proposed Action, describes the proposed project and alternatives, and summarizes the issues identified during the scoping process.

1.0 Introduction

The National Environmental Policy Act (NEPA) provides a national policy to integrate environmental considerations into the planning process and decisions of federal agencies. NEPA provides an interdisciplinary framework to ensure that federal agency decision-makers consider environmental factors. The key procedure required by NEPA is the preparation of an EIS for any major federal action that may significantly affect the quality of the environment. Public involvement, which is an important aspect of the NEPA procedures, is provided for at various steps in the development of an EIS. The first opportunity for public involvement is the EIS scoping process.

1.1 EIS Scoping Process

The "scope" of an EIS means the range of environmental issues to be addressed, the types of project effects to be considered, and the range of project alternatives to be analyzed. The EIS scoping process is designed to provide an opportunity for the public and other federal and state agencies to provide input that will help determine the scope of the EIS.

The first formal step in the preparation of an EIS is publication of a Notice of Intent (NOI) to prepare an EIS. The NOI describes the Proposed Action and reasons why an EIS will be prepared. The BIA published the NOI for this Proposed Action in the *Federal Register* on March 6, 2008 with the comment period beginning on March 6, 2008 and ending on April 7, 2008 (**Appendix A**). The NOI was published in the Imperial Valley Press on March 19, 2008, March 22, 2008, and March 25, 2008.

The March 6, 2008 NOI also served to announce the public scoping meeting. The BIA held a public scoping meeting on March 27, 2008 at the County of Imperial Board of Supervisors Chamber Room, El Centro, California. The scoping meeting was conducted by the following representatives of the BIA: Valerie Thomas, Environmental Protection Specialist, Patrick O'Mallan, Environmental Protection Specialist, and John Rydzik, Acting Chief of the Division of Environmental, Cultural, Resource Management and Safety for the Pacific Region. The scoping meeting provided a forum for the public to address the members of the BIA regarding the scope of the EIS. Transcripts of the public meeting, speaker cards submitted by individuals who spoke at the meeting, and a list of speakers at the scoping meeting are provided in **Appendix B**. Written comment cards received during the scoping meeting are provided in **Appendix C**. The issues that

were raised during the public scoping meeting have been summarized in **Section 3.2**. Comment letters received during the public comment period provided by the NOI are included in **Appendix D**. The range of issues to be addressed in the EIS may be expanded based on comments received during the scoping process.

1.2 Cooperating Agencies

The lead agency (BIA) may request that another agency having jurisdiction by law or having special expertise with respect to anticipated environmental issues be a "cooperating agency." Cooperating agencies participate in the scoping process and, at the lead agency's request, may develop information to be included in the EIS. A cooperating agency normally must use its own funds in undertaking its responsibilities under NEPA. However, the Council on Environmental Quality (CEQ) NEPA regulations require that, to the extent possible, a lead agency fund "those major activities or analyses it requests from cooperating agencies" (40 C.F.R. §1501.6).

Cooperating Agency is defined in The Bureau of National Affairs, Inc. publication *The Environmental Impact Statement Process* (Number 27-2nd) as follows:

The concept of the "cooperating agency" was an innovation of the Council on Environmental Quality (CEQ) NEPA regulations. In the past, agencies other than the lead agency were unlikely to participate in the preparation of the environmental impact statement, but subsequently would comment, often unfavorably, on it. The cooperating agency concept is designed to persuade other agencies to assist the lead agency in its preparation of the environmental impact statement, and to ensure a draft statement that reflects the expertise of more varied agencies.

The NEPA regulations define a cooperating agency as "any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal" that requires an environmental impact statement. (40 C.F.R. § 1508.5) "Jurisdiction by law" refers to "agency authority to approve, veto, or finance all or part of a proposal." "Special expertise" means statutory responsibility, agency mission, or related program expertise. A similarly qualified state or local agency or an affected Indian tribe may become a cooperating agency.

An agency that has "jurisdiction by law" shall be a cooperating agency upon the lead agency's request. Any other federal agency with "special expertise" relating to pertinent environmental issues may be a cooperating agency at the lead agency's request. An agency may also request that the lead agency designate it as a cooperating agency.

The lead agency must request the participation of each cooperating agency at the earliest possible time. Further, it must use the cooperating agencies' environmental analyses and proposals "to the maximum extent possible consistent with its responsibility as lead agency."

Each cooperating agency similarly required to participate in the process at the earliest possible time and to "assure on request of the lead agency, responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise."

Because they are apt to be cooperating agencies in a large number of cases, agencies such as the Environmental Protection Agency, the National Oceanic and Atmospheric administration, and the Fish and Wildlife Service have claimed that the cooperating agency function would impinge upon their other program commitments. Therefore, the regulations permit a potential cooperating agency to inform the lead agency and CEQA that "other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement."

The BIA has formally requested Cooperating Agency participation from the National Indian Gaming Commission (NIGC), Imperial Irrigation District (IID), City of Calexico, Natural Resources Conservation Service, California Department of Transportation (CalTrans), U.S. Fish and Wildlife Service (USFWS), County of Imperial, and Manzanita Band of the Kumeyaay Indians. The NIGC and the Manzanita Band of the Kumeyaay Indians will serve as the Cooperating Agencies for the Proposed Action (**Appendix E**).

1.3 EIS Schedule and Public Review

The current schedule anticipates that the Draft EIS will be available for public review in the second half of 2008. The public review period for the Draft EIS will be 45 days. A public hearing on the Draft EIS will held during the review period. The Final EIS is currently scheduled to be available for review late in 2008. A decision on the project may be made 30 days after the Final EIS is released.

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SECTION 2.0

Proposed Action and Alternatives

Section 2.0

PROPOSED ACTION AND ALTERNATIVES

2.1 Purpose and Need

Implementation of the Proposed Action would assist the Tribe in meeting the following objectives:

- The overall purpose of the Proposed Action is to address the long-term need of Manzanita Band of Kumeyaay Indians for political self-determination, cultural and social preservation, and economic self-sufficiency and growth. This purpose and need would include objectives such as the following:
 - Increased employment opportunities for Tribal members and the residents of the City of Calexico and County of Imperial;
 - Improvement of the socioeconomic status of the Tribe; funding for a variety of social, governmental, administrative, educational, health and welfare services to improve the quality of life of Tribal members;
 - Assist tribal members to attain economic self-sufficiency, thereby removing Tribal members from public-assistance programs;
 - Provide capital for other economic development and investment opportunities; and,
 - Restoration of a lost land base.

A lack of economic development opportunities exist for the Tribe primarily due to lack of funds for project development and operation, lack of developable land, water supply constraints, and the remoteness of the Tribes Reservation. The Tribe has no sustained revenue stream that could be used to fund programs and provide assistance to tribal members.

The Tribe's need for an economic base represents one of the primary purposes behind the Indian Gaming Regulatory Act (IGRA). IGRA states that Congress finds "a principal goal of Federal Indian policy is to promote tribal economic development, tribal self sufficiency, and strong tribal government..." 25 U.S.C. §2701. The IGRA also states that one of the purposes of the act is "provide a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development, self-sufficiency, and strong tribal governments..." 25 U.S.C. §2702.

To ensure that revenues raised from gaming are used to "promote tribal economic development, tribal self sufficiency, and strong tribal government," IGRA (25 U.S.C. § 2710(b)(2)(A)) limits the use of net gaming revenues to the following:

- Funding tribal government operations or programs;
- Providing for the general welfare of the Indian tribe and its members;

- Promoting tribal economic development;
- Making donations to charitable organizations; and,
- Funding operations of local government agencies.

The Proposed Action would provide the Tribe with a long-term, viable, and sustainable revenue base. Class III gaming is potentially very profitable. Revenues from the operation of the casino and hotel would be used for at least the following purposes:

- Funding governmental programs and services, including housing, educational, environmental, health, and safety programs and services;
- Hiring additional staff, upgrading equipment and facilities, and generally improving governmental operations;
- Decreasing the Tribe's and tribal members' dependence on Federal and State grants and assistance programs;
- Making donations to charitable organizations and governmental operations, including local educational institutions;
- Funding local governmental agencies, programs, and services; and,
- Providing capital for other economic development investment opportunities and allowing the Tribe to diversify its holdings over time, so that it is no longer dependent upon the Federal or State government or even upon gaming to survive and prosper.

Each of these purposes is consistent with the limited allowable uses for gaming revenues, as required by IRGA. The hotel, casino, and related facilities would also provide employment opportunities for Tribal members as well as local non-tribal residents. Operation of the hotel, casino, and related facilities would require the purchase of goods and services, increasing opportunities for local businesses and stimulating the local economy.

The Tribal government's purpose of requesting the approval of the proposed management contract is to team with Viejas Enterprises to develop and manage a casino facility and hotel. The Tribal government needs a developer/manager because the Tribe alone cannot secure the necessary financing to develop this project and lacks the necessary expertise to manage a casino facility and hotel. Management contracts with other Tribes and casino management companies are consistent with IGRA and heavily scrutinized by the NIGC prior to approval. In addition to required environmental review pursuant to NEPA, IGRA (25 U.S.C. § 2711(b)) requires that the NIGC approve a management contract only if it is determined that it at least provides for the following:

- Adequate accounting procedures that are maintained, and verifiable financial reports that are prepared, by or for the tribal governing body on a monthly basis;
- Access to daily operations of the gaming to appropriate tribal officials who shall also have a right to verify the daily gross revenues and income made from any such gaming activity;

- A minimum guaranteed payment to the Indian tribe that has preference over the retirement of development and construction costs;
- An agreed ceiling for the repayment of development and construction costs;
- A contract term not to exceed five years, except that, upon the request of an Indian tribe, the Chairman may authorize a contract term that exceeds five years but does not exceed seven years if the Chairman is satisfied that the capital investment required, and the income projections, for the particular gaming activity require the additional time; and,
- Grounds and mechanisms for terminating the management contract, but actual contract termination shall not require the approval of the Commission.

In addition to the above management contract requirements, IGRA (25 U.S.C. § 2711(a)) requires that the NIGC conduct a background investigation "on each person or entity (including individuals comprising such entity) having a direct financial interest in, or management responsibility for, such contract, and, in the case of a cooperation, those individuals who serve on the board of directors of such corporation and each of the stockholders who hold (directly or indirectly) 10 percent or more of its issued and outstanding stock." According to IGRA (25 U.S.C. § 2711(e)), the NIGC shall not approve a management contract if the background investigation determines that one of the persons or entities noted above:

- Is an elected member of the governing body of the Indian tribe which is the party to the management contract;
- Has been or subsequently is convicted of any felony or gaming offense;
- Has knowingly and willfully provided materially important false statements or information to the NIGC or the Indian tribe or has refused to respond to questions propounded pursuant to the background investigation requirement of IGRA;
- Has been determined to be a person whose prior activities, criminal record if any, or reputation, habits, and associations pose a threat to the public interest or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental thereto.

2.1.1 Project Location

The project parcel (Assessor's Parcel Number [APN] 059-010-001-000), is located at the northernmost gateway to the City of Calexico, California. It lies at sea level elevation and is a part of the broad, flat Imperial Valley region of the California low desert (Figures 2-1 and 2-2). Imperial Valley is located in the Colorado Desert Physiographic province of Southern California. The City of Calexico is bounded by the County of Imperial to the north, east, and west, and Mexicali, Mexico to the south. The project site is situated at the southwest corner of the intersection of Jasper Road and State Highway 111(SR-111) and is bounded by the Central Main and Dogwood Canals to the south and west (Figure 2-2). The 60.8-acre project site is centrally located within the site of the proposed 232-acre 111 Calexico Place Specific Plan project, a proposed commercial highway development project (Figure 2-3). As depicted on Figure 2-3, the project site will be surrounded by restaurants, retail, office, and a hotel to the north; retail and

restaurant uses to the east; the Central Main and Dogwood Canals to the south; and, office tech uses to the west. Currently, the project site is undeveloped and was formerly agricultural land before it was annexed into the City of Calexico in 2001. An aerial photograph of the property is provided in Figure 2-4.

2.2 Alternatives to be Analyzed Within the EIS

The EIS will analyze the Proposed Action, No Action Alternative, and Other Alternatives. Additional information on each alternative will be presented in the EIS.

2.2.1 Alternative A – Proposed Action

The Proposed Action to be analyzed within the DEIS are the Fee-to-Trust acquisition of a 60.8-acre proposed project site and subsequent approval of a gaming management contract by the National Indian Gaming Commission (NIGC). The foreseeable consequence of the Proposed Action will be the development of a casino facility and hotel on the trust land (project site). Figure 2-3 depicts the proposed conceptual site plan for the proposed casino facility and hotel, including supporting facilities. The casino facility and hotel is expected to employ 2,400 employees.

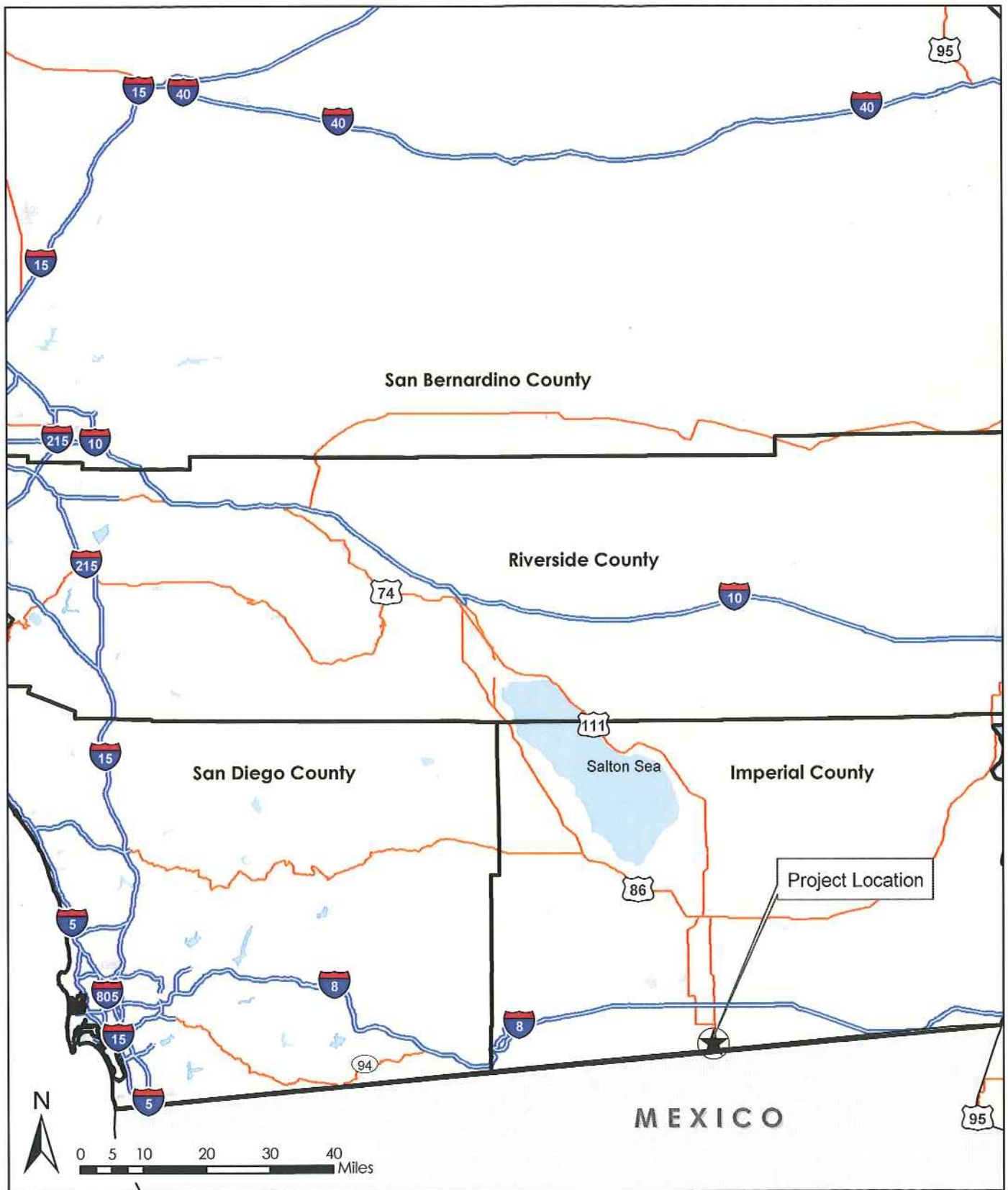
The new casino and all support facilities would be constructed consistent with the State of California building codes which include electrical, mechanical, plumbing, energy, fire protection, seismic, and other standards.

The proposed casino facility will encompass an area of 459,621 square feet. More specifically, the casino facility will consist of an approximately 93,800 square foot Class III Gaming Area, including approximately 2,000 slot machines and 45 gaming tables. In addition to the gaming area, the casino facility will include 55,000 square feet of restaurants and lounges; 8,000 square feet of retail; 46,000 square feet of meeting and assembly spaces; 38,600 square feet of entertainment and recreation; and, 218,081 square feet of other operational facilities (e.g., back of house area, central plant). Table 2-1 provides a summary of the components proposed to be provided in the casino facility.

TABLE 2-1
Proposed Casino Facility Components

Use	Size (square feet)
Gaming Area	93,880 sf
Restaurants and Lounges	55,000 sf
Retail	8,000 sf
Meeting and Assembly Spaces	46,000 sf
Entertainment and Recreation	38,660 sf
Other Operational Facilities:	
- Back of House Area (Facility Support and Employee Facilities)	193,081 sf
- Central Plant (Generators/AC Units)	25,000 sf
TOTAL	459,621 sf

Source: BRG Consulting, 2008.



SOURCE: ESRI, 2007; BRG Consulting, Inc., 2008

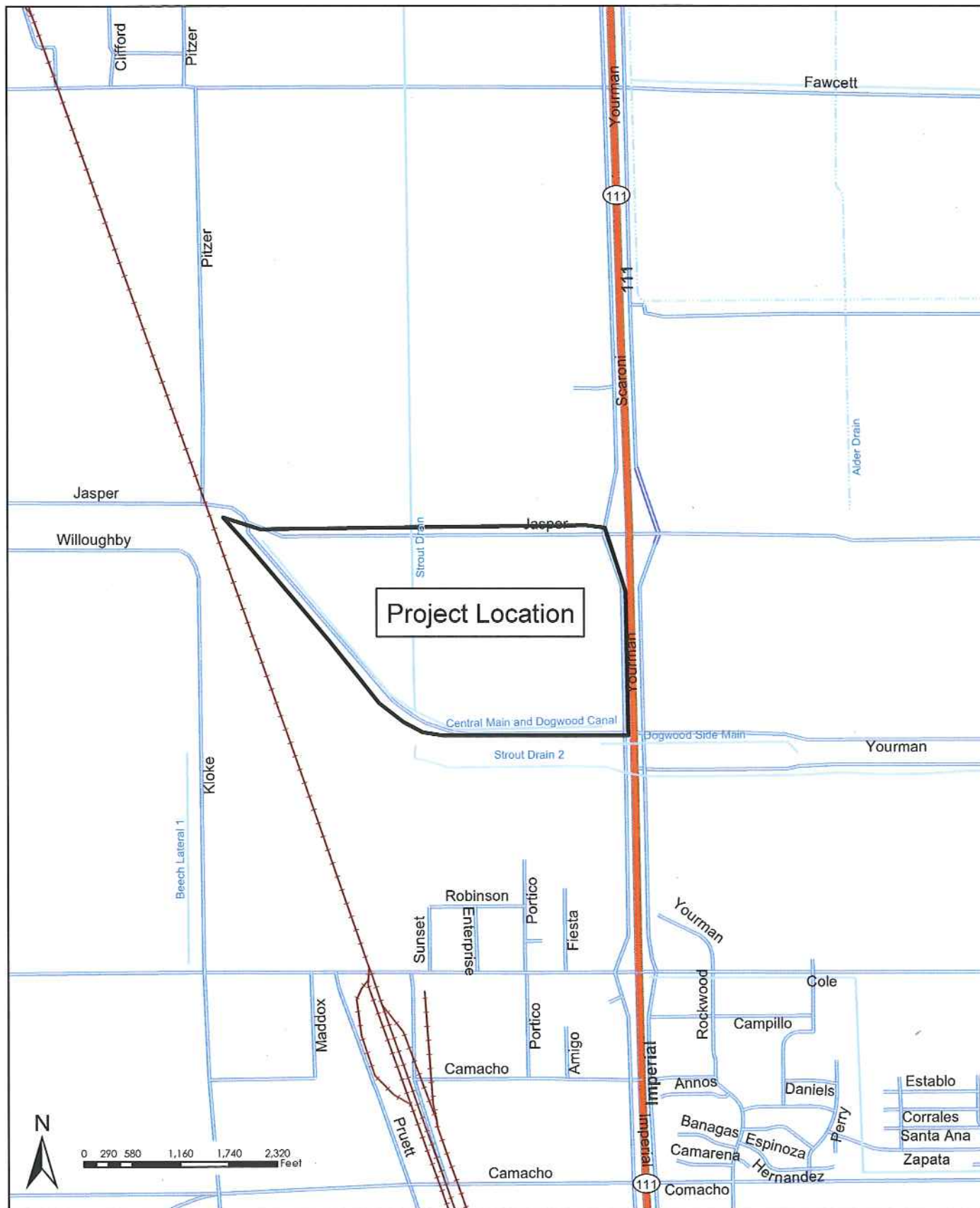
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Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project

Regional Location Map

FIGURE
2-1



SOURCE: ESRI, 2007; BRG Consulting, Inc., 2008

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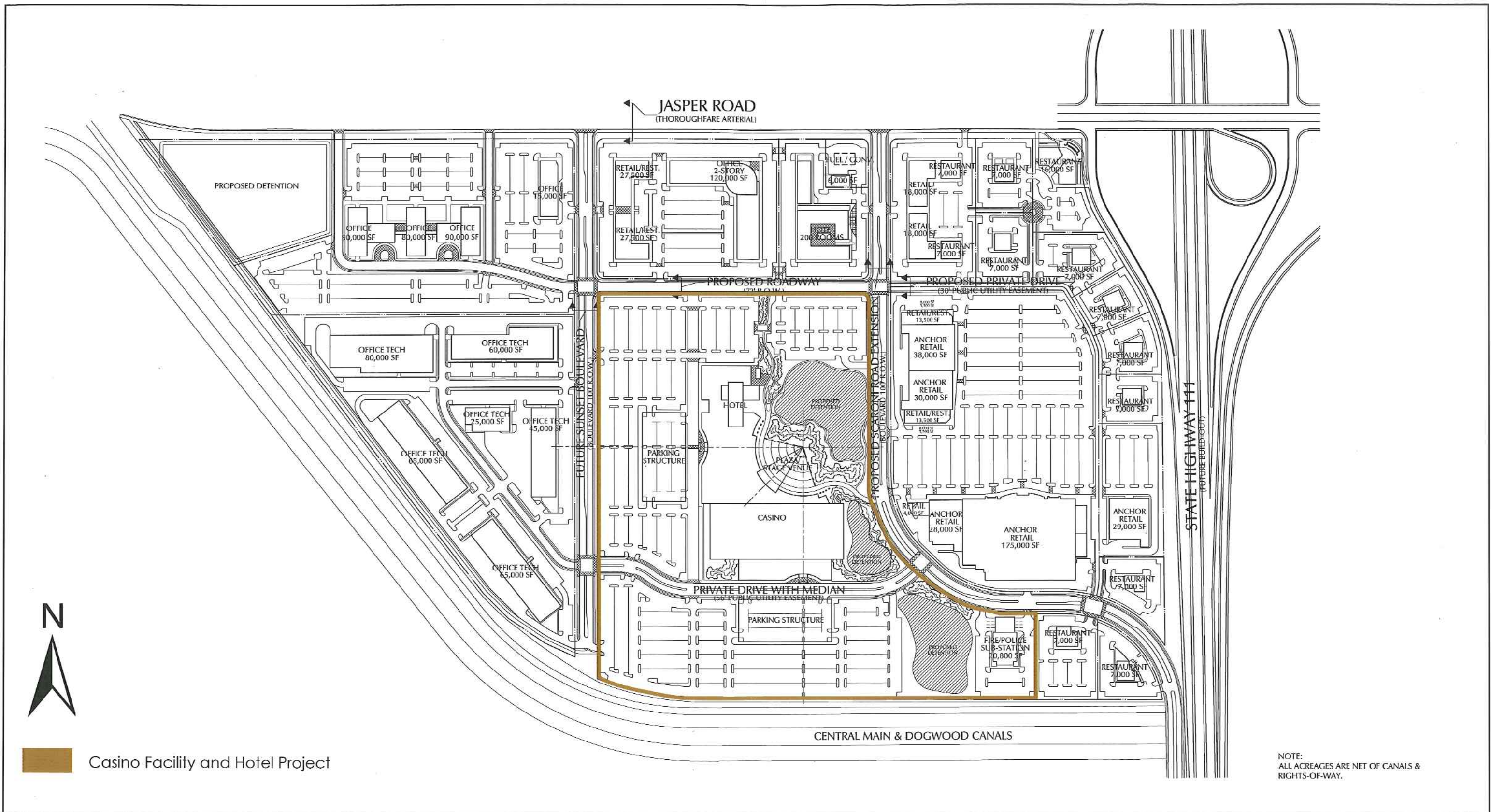


Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project

Project Location Map

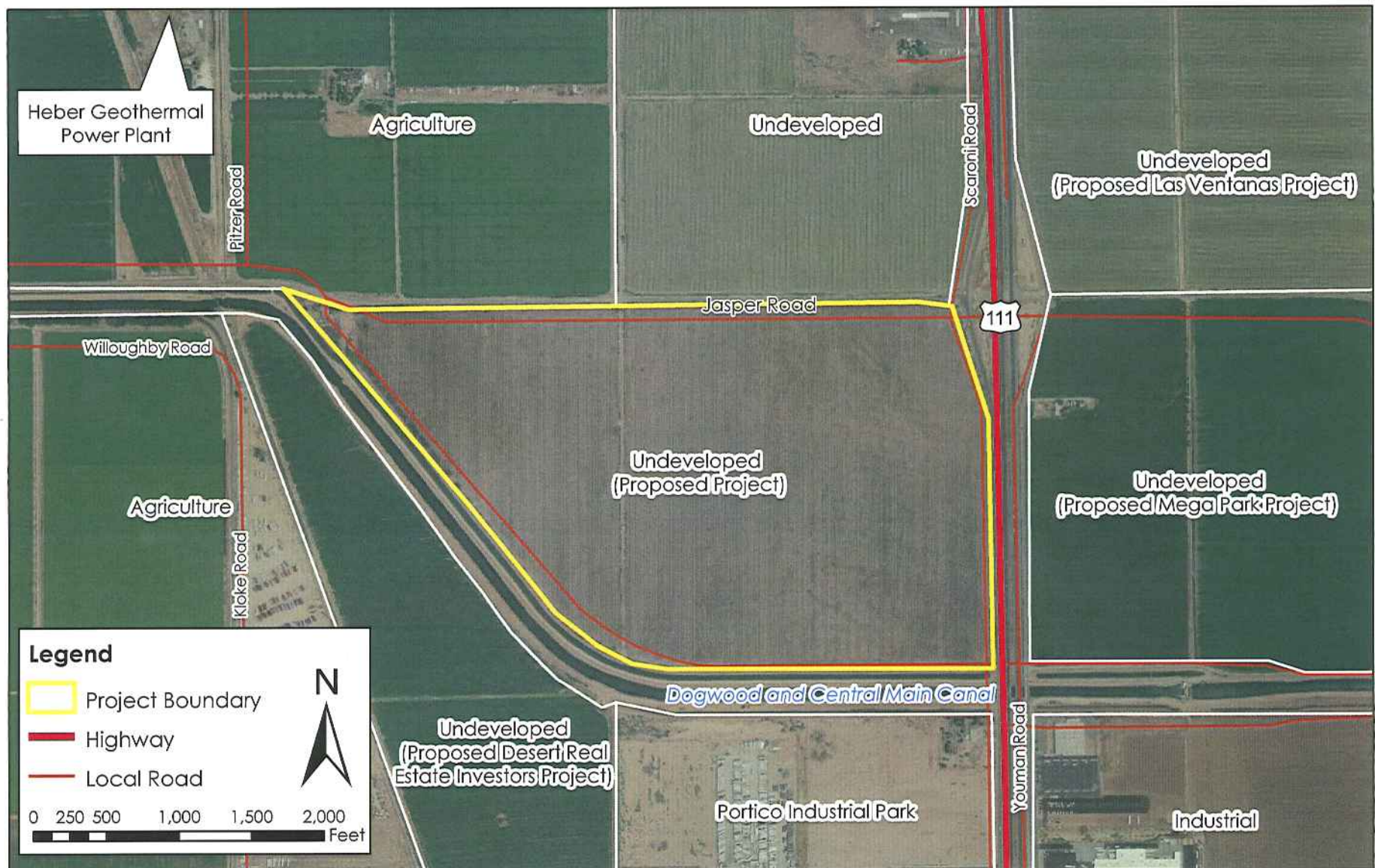
FIGURE

2-2



SOURCE: GFF Planning, 2008

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SOURCE: Flown by USDA, 2005; ESRI, 2007; BRG Consulting, Inc., 2008

5/15/08



Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project

Aerial View of Project and Surrounding Area Features

FIGURE
2-4

In addition to the proposed casino facility, under the Proposed Action a 200-room hotel is proposed in conjunction with the casino facility. It would be located adjacent to the casino facility and will include a swimming pool.

A total of 3,200 parking spaces, which include 400 valet spaces, would be provided in surface parking lots and parking structure to the patrons and employees of the casino facility/hotel and supporting facilities. Approximately 3,200 parking spaces, which include 400 valet spaces, would be provided for the project in surface parking lots and a parking structure located adjacent to the casino facility (Figure 2-3).

The Tribe is also proposing to develop a new approximately 20,800-square foot joint fire and police station located east of the project site within the 111 Calexico Place Specific Plan project area (Figure 2-3).

2.2.2 Alternative B – No Action Alternative

Under the No Action Alternative, no land would be developed or placed into federal trust. Land use jurisdiction of the site would remain with the City of Calexico. For purposes of the environmental analysis in the EIS, it is assumed that the property would continue under the current uses, vacant and undeveloped.

2.2.3 Other Alternatives

The Tribe is currently in the process of developing additional alternatives, which would include alternative locations and a reduced casino alternative. A detailed discussion and analysis for each of these alternatives will be provided in the EIS pursuant to NEPA.

SECTION 3.0

Issues Identified During Scoping

Section 3.0

ISSUES IDENTIFIED DURING SCOPING

3.1 Introduction

The Council on Environmental Quality (CEQ) Regulations for implementing NEPA requires a process, referred to as “scoping” for determining the range of issues to be addressed during the environmental review of a proposed action (§1501.7). The scoping process entails a determination of issues by soliciting comments from agencies, organizations and individuals. The NOI comment period began March 6, 2008 and closed on April 7, 2008 (**Appendix A**). A list of individuals who provided comment letters during comment period and the letters are provided in **Appendix D**. This scoping report incorporated the comments received during the public scoping meeting held in El Centro, California on March 27, 2008. A transcript of the public scoping meeting and a list of speakers are provided in **Appendix B**. The public comments cards received during the scoping meeting and a list of commenters can be found in **Appendix C**. The issues that were raised during the scoping comment period have been summarized in **Section 3.2** below.

3.2 Issues Identified During Scoping

This section contains a summary of public comments received during the EIS scoping process. These comment summaries are categorized by issue area. A general summary of the expected scope of the EIS for each issue area category is also provided.

3.2.1 Socioeconomic

Comments

Specific socioeconomic issues, questions, and comments raised during scoping include:

- Would the operation of the Proposed Action result in an increase to addictive behaviors such as alcohol abuse, nicotine abuse, drug abuse, and gambling addiction?
- How will legalized gambling affect the City of Calexico and the County of Imperial (e.g., gambling and crime, economic impact, fraud on public, impact to families, adolescent gambling, financial and credit issues, and pathological gambler)?
- The EIS should discuss the beneficial effects of the Proposed Action to economic development and job growth in the region.
- The EIS should discuss projected benefits to the local economy from the development of the Proposed Action, including alleviation of the high unemployment rate in Imperial County.
- How would the Proposed Action ensure that the jobs are given to Imperial County workers and not members of other Tribes or workers of Mexicali?

- The EIS should discuss the economic costs to local jurisdictions. If this was a private development, it would generate a huge property tax base, so what are the proposed projects' offsets?
- If approved, the ownership status of the property would be converted from taxable status to nontaxable Indian trust status. This acquisition would impact state and local government as the property is removed from the tax roll.
- How will the Proposed Action adequately mitigate all off-reservation commercial endeavors in order to avoid putting county services at risk?
- The EIS should discuss the loss of gaming income, tribal employment, loss of benefits from tourism and other no-gaming activities, loss of governmental services to the existing resident Tribe.

Scoping

The EIS will assess the reasonably foreseeable impacts that the Proposed Action would have on socioeconomic issues such as employment, property value, problems associated with gambling, and crime rates.

3.2.2 Environmental Justice

Comments

Specific environmental justice issues and questions raised during scoping include:

- How would the Proposed Action impact other Tribes within the region (e.g. Quechan Tribe)?
- The EIS should comprehensively discuss environmental justice.
- The EIS should discuss all economic, social, natural, or physical environmental effects on the human environment.
- The EIS should address any impacts associated with the relationship between the existing resident Tribe and the non-Indian communities.

Scoping

The EIS will assess the reasonably foreseeable and disproportionate impacts of the Proposed Action on other Tribes, minority and low-income populations, as required by Executive Order 12898.

3.2.3 Air Quality

Comments

Specific air quality issues and questions during the scoping include:

- A Comprehensive Air Quality Analysis shall be conducted as per the Imperial County CEQA Air Quality Handbook for the Proposed Action.
- The Air Quality analysis in the EIS shall be prepared in accordance with Section 6 of the Imperial County's CEQA Handbook.
- The EIS shall include a cumulative impact analysis for air quality.

- The construction of the Proposed Action shall adhere to the requirements of Regulation VIII, Fugitive Dust Control for Imperial County.
- The EIS shall analyze greenhouse gas impacts (direct and indirect) of the Proposed Action in accordance with the Global Warming Solution Act of 2006, also known as Assembly Bill 32, along with the California Attorney General's proclamations.

Scoping

The EIS will assess potential impacts on air quality due to construction and operation emissions. Emission inventories will be developed for construction and operation activities related to the Proposed Action.

3.2.4 Traffic

Comments

Specific traffic issues and questions during the scoping include:

- The EIS should include a comprehensive traffic impact analysis that assesses the impacts to the full length of the Jasper Road corridor east and west; impacts to County roads and accompanying intersections within a 20 mile radius including but not limited to Dogwood Road, Fawcett Road, McCabe Road, Yourman Road, Austin Road, Bowker Road, Pitzer Road, Correll Road, Clark Road, La Brucherie Road, Barbara Worth Road, Cole Road, and Anderholt Road; and the Caltrans road system, SR-7, SR-86, SR-98, SR-111, SR-115, and Interstate 8.
- The EIS should include an analysis of the traffic impacts with relation to the operational activities of the Proposed Action.
- The EIS should analyze the cumulative traffic impacts of the Proposed Action.
- The EIS should discuss traffic congestion generated by the Casino.
- Please forward future studies, including the traffic analysis, to Caltrans for review to determine any potential impacts to State facilities.
- The EIS should use as a guideline the Caltrans Guide for the Preparation of Traffic Impact Studies. Minimum contents of the traffic impact study are listed in Appendix A of the Caltrans guide.
- All analysis done on State-owned facilities must use Caltrans requirements if the Lead Agency's requirements differ from Caltrans as outlined in Caltrans Guide for the Preparation of Traffic Impact Studies.
- A consultation with Caltrans shall be conducted to determine the appropriate target Level of Service (LOS) on State highway facilities.
- The geographic scope examined in the traffic study must include State highway facilities where the project will add over 100 peak hour trips. State highway facilities must also be analyzed in the scope of the traffic study for projects that add 50 peak hour trips in areas that are near capacity or unacceptable service levels. A focused analysis may be required for project trips assigned to a State highway facilities that is over capacity and experiencing significant delay, or if there is an increased risk of a potential traffic hazard.

- Any direct and/or cumulative impacts to the State highway system must be eliminated or reduced to a level of insignificance pursuant to CEQA and NEPA standards. Mitigation Measures must be coordinated with Caltrans to identify and implement the appropriate mitigation, this include the actual implementation and collection of any "fair share" monies.
- Mitigation improvements to SR-111 should be compatible with Caltrans concepts and improvements.
- The Traffic Impact Study for the Proposed Action must include a short-term analysis and mitigation, as well as future long-term upgraded freeway analysis for the proposed SR-111 and Jasper Road interchange.
- No access will be provided from SR-111 except from Jasper Road. Any access from Jasper Road must meet the minimum requirements for a freeway interchange and conform to standards outlined in Highway Design Manual Section 504.3 Ramps.
- If the Proposed Action will require any work or improvements within the Caltrans right-of-way, the EIS should include such work and the developer is responsible for all mitigation measures for the impacts. In addition, an Encroachment Permit would be required.

Scoping

The EIS will provide an estimate of the total daily trips and peak hour trips generated by the Proposed Action. Reasonably foreseeable impacts to roadways and the intersections near the project site will be studied to access traffic impacts related to the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.5 Agriculture

Comments

Specific agriculture issues and questions raised during the scoping include:

- The EIS should analyze the impacts caused by the conversion of farmland and what growth inducing impacts the Proposed Project would have on the neighboring agricultural lands.

Scoping

The EIS will assess reasonably foreseeable impacts to agricultural resources within the region, including impacts to Williamson Act contracts. Mitigation will be prepared for significant impacts.

3.2.6 Public Services

Comments

Specific public services issues and questions raised during the scoping include:

- The EIS should addressed the Proposed Action's impact to community and the greater county in relation to the increase need for police/sheriff services.
- The EIS should discuss all service and service capacities and how they will be mitigated by or for the City of Calexico.

- The EIS should discuss the impact to the Calexico Unified School District and mitigate all impacts to below a level of significance.

Scoping

The EIS will assess the reasonably foreseeable impacts that the Proposed Action would have on public services. Mitigation will be prepared for significant impacts.

3.2.7 Public Health and Safety

Comments

Specific public health and safety issues and questions raised during the scoping include:

- How would the Proposed Action address the increased crime that is often associated with casinos?

Scoping

The EIS will address the reasonably foreseeable impacts related to public health and safety of the Proposed Action, including any reasonably foreseeable impacts related to increased crime. Mitigation will be prepared for significant impacts.

3.2.8 Tribal Issues

Comment

Specific tribal issues and questions raised during the scoping include:

- Where is the Manzanita Reservation? The project description states that it is "...50 miles from the Tribe's reservation..."?
- What is the land size and characteristic of the existing reservation?
- Why does the Tribe need to locate a casino 50 +/- miles away from its reservation?
- How many members of the Tribe are there and do they reside on the existing reservation?
- The EIS should analyze the impacts of off-reservation gaming on an existing urban community.
- How will the development of, in this case 50 +/- miles from the Manzanita Reservation, work in terms of the Tribal community?
- How does the Tribe propose to operate the casino?
- The EIS should analyze the impacts of off-reservation gaming operation in relation to existing on-reservation gaming operation nearby (e.g. Quechan).

Scoping

The placement of 60.8 acres of land into federal trust status and the development of a casino in the City of Calexico will be analyzed as the Proposed Action in the EIS. Other tribal issues will be clearly identified and in the Purpose and Need Chapter and in the socioeconomic sections of the EIS, as appropriate.

3.2.9 Emergency Response

Comment:

Specific emergency response issues and questions raised during the scoping include:

- The EIS should discuss the impact of the Proposed Action on police and fire protection.

Scoping

The EIS will assess the reasonably foreseeable impacts that the Proposed Action would have on emergency response. Mitigation will be proposed for significant impacts.

3.2.10 Water Drainage

Comments

Specific site drainage issues and questions raised during the scoping include:

- No grading shall be allowed from the Proposed Action, which would modify existing drainage and increase runoff to SR-111.

Scoping

The EIS will address issues related to site drainage, including stormwater runoff and flooding. Available hydrogeologic studies will be reviewed, and other information on the water resources of the area will be obtained. Water resources of the area will be evaluated for reasonably foreseeable impacts, as a result of the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.11 Visual Resources

Comments

Specific visual resources issues and questions raised during the scoping include:

- All lighting for the Proposed Action should be placed and/or shielded so as not to be hazardous to vehicles traveling on SR-111.
- All signs visible to traffic on SR-111 need to be considered in compliance with county and state regulations.

Scoping

The EIS will identify if the Proposed Action would adversely affect visual resources. Mitigation will be proposed for significant impacts.

3.2.12 Noise

Comments

Specific noise issues and questions raised during the scoping include:

- Caltrans has stated that they will not be held responsible for any noise impacts to the Proposed Action, including from the ultimate configuration of SR-111.

Scoping

The EIS will address issues related to construction and operational noise of the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.13 Biological Resources

Comments

- The EIS should discuss potential biological resources impacts of the Proposed Action.

Scoping

The EIS will assess reasonably foreseeable impacts of the Proposed Action on vegetation, wildlife, and threatened/endangered species listed by the United States Fish and Wildlife Service (USFWS). Mitigation will be proposed for significant impacts.

3.2.14 Other Comments

Comments

The following specific questions and comments regarding the Proposed Action were raised during the scoping:

- What are the effects of the Proposed Action on taxpayers who have to pay for workers who become ill from working in a smoking environment?
- The project will have regional impacts and may, in fact, require mitigation measures or improvement on contiguous or adjacent infrastructure such as roads, highways (SR-111), as well as local infrastructure; therefore, request that a combined EIS/EIR be prepared.
- The EIS shall be prepared in accordance with Section 20 of the IGRA, which has specific criteria for off-reservation gaming operations.
- The EIS should discuss energy and water conservation.

Scoping

A decision was made by the cooperating agencies to not prepare a joint EIR/EIS for this project. Therefore separate documents are being prepared.

An EIS will be prepared, as required by NEPA. Additional opportunities for public participation will occur after the Draft EIS has been published. There will be a public comment period to solicit comments on the Draft EIS. The BIA will consult with local Tribes and governments, according to the requirements of NEPA. Issues relating specifically to IGRA or the Tribal/State compact will not be addressed in the EIS, unless required by NEPA.

3.2.15 Water Supply

Scoping

The EIS will address uses related to water supply. Water demands will be estimated for the Proposed Action. Available hydrogeologic studies will be reviewed, and other information on the water resources of the area will be obtained. Water resources of the area will be evaluated for reasonably foreseeable adverse impacts to water supply and uses as a result of the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.16 Water Quality

Scoping

The EIS will address issues related to water quality. Foreseeable discharges and runoff from development will be analyzed for the Proposed Action. Available hydrogeologic studies will be reviewed, and other information on the water resources of the area will be obtained. Water resources of the area will be evaluated for reasonably foreseeable impacts to water quality, as a result of the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.17 Wastewater Disposal

Scoping

The EIS will disclose wastewater treatment and disposal options for the Proposed Action. The EIS will assess the reasonably foreseeable impacts of wastewater generated by the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.18 Land Use Planning

Scoping

The EIS will assess the potential for land use conflicts caused by the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.19 Community Character

Scoping

The EIS will assess the potential for community character conflicts caused by the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.20 Cultural Resources

Scoping

The EIS will contain a cultural resources analysis that identifies and mitigates any reasonably foreseeable impacts to paleontological, historical, and archaeological resources located within the project site. The EIS process will include a cultural records search and consultation with the Native American Heritage Commission and consultation under Section 106 of the National Historic Preservation Act (NHPA). Mitigation will be proposed for significant impacts.

3.2.21 Hazards and Hazardous Materials

Scoping

The EIS will contain a Phase I site assessment for the project site that will disclose any incidences of past and current hazardous materials incidents and involvements, if any. The EIS will also discuss construction and operational hazardous materials usage, if any, as it relates to the Proposed Action. Mitigation will be proposed for significant impacts.

3.2.22 Soils and Geology

Scoping

The EIS will assess the reasonably foreseeable impacts related to geology, topography, seismicity, mineral resources, and soils. Mitigation will be proposed for significant impacts.

3.2.23 Cumulative Impacts

Scoping

The EIS will address all direct, indirect, and reasonably foreseeable cumulative impacts of the Proposed Action and alternatives. Mitigation will be proposed for significant impacts.

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APPENDICES

APPENDIX A

Notice of Intent (NOI): March 6, 2008

APPENDIX A.—FISCAL YEAR 2006 HOUSING COUNSELING GRANTS—Continued

RHODE ISLAND HOUSING AND MORTGAGE FINANCE CORPORATION, 44 Washington St., Providence, RI 02903-1721, Grant Type: Comprehensive, Amount Awarded: \$132,209.	VIRGINIA HOUSING DEVELOPMENT AUTHORITY, 601 S. Belvedere Street, Richmond, VA 23220, Grant Type: Comprehensive, Amount Awarded: \$83,776.
SANTA ANA (SHFA-COMP)	
IDAHO HOUSING AND FINANCE ASSOCIATION, 565 West Myrtle, P.O. Box 7899, Boise, ID 83702, Grant Type: Comprehensive, Amount Awarded: \$212,610.	WASHINGTON STATE HOUSING FINANCE COMMISSION, 1000 2nd Avenue, Suite 2700, Seattle, WA 98104-1046, Grant Type: Comprehensive, Amount Awarded: \$151,509.
HECM (2) INTERMEDIARY (HECM)	
MONEY MANAGEMENT INTERNATIONAL INC., 9009 West Loop South, Suite 700, Houston, TX 77096-1719, Grant Type: HECM, Amount Awarded: \$1,147,586.	NATIONAL FOUNDATION FOR CREDIT COUNSELING, INC., 801 Roeder Road, Suite 900, Silver Spring, MD 20910-3372, Grant Type: HECM, Amount Awarded: \$1,852,414.

[FR Doc. E8-4306 Filed 3-5-08; 8:45 am]
BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

**Notice of Intent To Prepare an
Environmental Impact Statement for
the Proposed Manzanita Band of
Kumeyaay Indians Fee-to-Trust
Transfer and Casino Project, Calexico,
Imperial County, CA**

AGENCY: Bureau of Indian Affairs,
Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the National Indian Gaming Commission, the City of Calexico and the Manzanita Band of Kumeyaay Indians (Tribe) as cooperating agencies, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed 60.8-acre fee-to-trust transfer and casino project in Calexico, Imperial County, California. This notice also announces a public scoping meeting to identify potential issues, concerns and alternatives to be considered in the EIS.

DATES: Written comments on the scope and implementation of this proposal must arrive by April 7, 2008. The public scoping meeting will be held March 27, 2008, from 6 p.m. to 9 p.m., or until all those who register to make statements have been heard.

ADDRESSES: You may mail or hand carry written comments to Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return caption, address and "DEIS Scoping Comments, Manzanita

Band of Kumeyaay Indians, 60.8-acre fee-to-trust Casino Project, Calexico, California," on the first page of your written comments.

The public scoping meeting will be held at the County of Imperial Board of Supervisors Chamber Room, 940 West Main Street, Suite 211, El Centro, California 92243.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978-6042.

SUPPLEMENTARY INFORMATION: The Tribe proposes that 60.8 acres of land be taken into trust and plans to develop a casino facility on the land. The property is located at the northernmost gateway to the City of Calexico, a California/Mexico border city of growing importance in international trade. The project site is situated at the southwest quadrant of State Highway 111 and Jasper Road and is bounded on the south and west by the Central Main and Dogwood Canals. The 60.8-acre parcel is undeveloped, former agricultural land and is located within the site of the City of Calexico's proposed 111 Calexico Place commercial highway development project.

The Tribe proposes to develop a 220,000-square-foot casino facility on the 60.8-acre parcel. The casino facility would include approximately 90,000 square feet of gaming space, 120,000 square feet of food/beverage and retail components and 10,000 square feet of entertainment venue. In addition, there would be a 50,000-square-foot banquet/meeting hall and a 260-room hotel. The casino would have 2,000 slot machines and 45 gaming tables. There will be three guest restaurants and one employee dining room. A swimming pool and a parking structure containing 3,000 spaces for guests and 400 valet parking spaces would also be developed within the project area.

The Tribe's application seeks to take a 60.8-acre off-reservation parcel into

trust under Section 5 of the Indian Reorganization Act and implementing regulations in 25 CFR part 151, and requests a Secretarial determination under Section 20(b) (1) (A) of the Indian Gaming Regulatory Act that a proposed gaming establishment on the parcel would be in the best interest of the Tribe and its members, and not detrimental to the surrounding community. The purpose of the proposed action is to help improve the tribal economy of the Manzanita Band and assist tribal members to attain economic self-sufficiency. We are aware that some members of the public have expressed concern about off-reservation gaming. In this case, the parcel is located approximately 50 miles from the Tribe's reservation. We are soliciting and will consider accommodating the views of elected officials (State, county, city, etc.) and community members in the local area as part of our decision making process. We also plan a more detailed consideration of the broad implications associated with new gaming operations within established communities where gaming is not currently conducted.

Areas of environmental concern to be addressed in the EIS include land resources, water resources, biological resources, cultural resources, traffic and transportation, noise, air quality, public health/environmental hazards, public services and utilities, hazardous waste and materials, socio-economics, environmental justice and visual resources/aesthetics. In addition to the proposed action, a reasonable range of alternatives, including the no-action alternative will be analyzed in the EIS. The range of issues and alternatives may be expanded based on comments received during the scoping process.

Public Comment Availability

Before including your address, phone number, e-mail address, or other

personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published in accordance with sections 1501.7, 1506.6 and 1508.22 of the Council of Environmental Quality Regulations (40 CFR, Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371, *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: February 15, 2008.

Carl J. Artman,

Assistant Secretary, Indian Affairs.

[FR Doc. E8–4354 Filed 3–5–08; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Cancellation of the Environmental Impact Statement for the Proposed Stockbridge—Munsee Casino, Sullivan County, NY

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) intends to cancel work on the Environmental Impact Statement (EIS) for the proposed taking into federal trust of land in Sullivan County, New York, for the Stockbridge—Munsee Community Band of Mohican Indians of Wisconsin (Tribe). The Tribe proposed to develop and operate a Class III gaming facility and associated facilities on the trust property. The EIS is no longer needed because the Department of the Interior has decided not to accept the land into trust, on the basis that the proposed action did not adequately meet criteria in 25 CFR 151.3; 151.10(b); 151.10(c); and 151.11(b) for trust acquisition.

DATES: This cancellation is effective April 8, 2008. Any written comments must arrive by April 7, 2008.

ADDRESSES: You may mail, hand carry or fax written comments to Mr. Franklin

Keel, Regional Director, Eastern Region, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, fax (615) 564–6701.

FOR FURTHER INFORMATION CONTACT: Kurt G. Chandler, (615) 564–6832.

SUPPLEMENTARY INFORMATION: The BIA published its Notice of Intent to prepare the EIS on November 24, 2003, in the *Federal Register* (68 FR 65467). The notice included project details. The U.S. Environmental Protection Agency published its Notice of Availability of the Draft EIS for this proposed action on February 11, 2005, in the *Federal Register* (70 FR 7257).

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the **ADDRESSES** section, during regular business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

This notice is published in accordance with sections 1503.1 and 1506.6 of the Council on Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.1.

Dated: February 22, 2008.

James E. Cason,

Associate Deputy Secretary.

[FR Doc. E8–4356 Filed 3–5–08; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Trust Acquisition of an Initial Reservation for the Mashpee Wampanoag Tribe in the Town of Mashpee, Barnstable County, and Town of Middleboro, Plymouth County, MA, Including a Gaming Facility at the Middleboro Property

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) as Lead Agency, with the Mashpee Wampanoag Tribe (Tribe) as Cooperating Agency, will be gathering information needed for an Environmental Impact Statement (EIS) for the proposed trust acquisition of approximately 679 acres of land as the Tribe's initial reservation. The proposed acquisition includes approximately 140 acres in the Town of Mashpee, Barnstable County, Massachusetts, and approximately 539 acres in the Town of Middleboro, Plymouth County, Massachusetts. The property in Mashpee would be used for tribal administrative and cultural purposes and housing for tribal members. For the property in Middleboro, the Tribe plans the construction of a gaming facility with related facilities. The purposes of the proposed federal action are to provide a land base for the Tribe and to help meet the economic needs of the Tribe and its members. This notice also announces public scoping meetings to identify potential issues, alternatives and content for inclusion in the EIS.

DATES: Written comments on the scope and implementation of this proposal must arrive by April 9, 2008. The public scoping meetings will be held March 25 and March 26, 2008, starting at 6 p.m. and continuing until all those who register to make statements have been heard.

ADDRESSES: You may mail, hand carry or fax written comments to Franklin Keel, Regional Director, Eastern Regional Office, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214, fax (615) 564–6550.

The March 25, 2008, meeting will be at the Middleboro High School Auditorium, 71 East Grove Street, Middleboro, Massachusetts. The March 26, 2008, meeting will be at the Mashpee High School Auditorium, 500

AFFIDAVIT OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Imperial

I am a resident of the County aforesaid,
I am over the age of eighteen years, and
not a party to or interested in the above
entitled matter. I am the principal clerk*
of the printer of the

IMPERIAL VALLEY PRESS

a newspaper of general circulation,
printed and published daily in the City of
El Centro, County of Imperial and which
newspaper has been adjudged a
newspaper of general circulation by the
Superior Court of the County of Imperial,
State of California, under the date of
October 9, 1951, Case Number 26775,
that the notice, of which the annexed is
a printed copy, has been published in
each regular and entire issue of said
newspaper and not in any supplement
thereof on the following dates, to-wit:

March 19, 22, 25,

all in the year 20 08.

I certify (or declare) under penalty of
perjury that the foregoing is true and
correct.

Jennifer Aguilar
SIGNATURE

* Printer, Foreman of the Printer, or
Principal Clerk of the Printer

Date March 25, 2008
at El Centro, California.

This space is for the County Clerk's
Filing Stamp:

Proof of Publication of:

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Manzanita
Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project, Calexico, California

AGENCY: Bureau of Indian Affairs, Interior

ACTION: Notice

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, and the National Indian Gaming Commission, the City of Calexico, and the Manzanita Band of Kumeyaay Indians as cooperating agencies, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) for a proposed 60.8 acre fee-to-trust transfer and casino project to be located in Calexico, California. The purpose of the proposed action is to help improve the tribal economy of the Manzanita Band of Kumeyaay Indians (Tribes) and assist tribal members to attain economic self-sufficiency. This notice also announces a public scoping meeting to identify potential issues, concerns and alternatives to be considered in the EIS.

DATES: Written comments on the scope and implementation of this proposal must arrive by April 7, 2008. The public scoping meeting will be held March 27, 2008, from 6:00 p.m. to 9:00 p.m., or until the last public comment is received.

ADDRESSES: You may mail or hand carry written comments to Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return caption, address and DEIS Scoping Comments, Manzanita Band of Kumeyaay Indians, 60.8 Acre Fee to Trust Casino Project, Calexico, California, on the first page of your written comments.

The public scoping meeting will be held at the County of Imperial Board of Supervisors Chamber Room, located at 940 West Main Street, Suite 211, El Centro, CA 92225.

FOR FURTHER INFORMATION CONTACT: John Rydzik, (916) 978-6042.

SUPPLEMENTARY INFORMATION: The Tribe proposes that 60.8 acres of land be taken into trust and subsequently plans to develop a casino facility. The subject property is located at the northernmost gateway to the City of Calexico, a California/Mexico border city of growing importance in international trade. The project site is situated at the southwest quadrant of State Highway 111 and Jasper Road and is bounded on the south and west by the Central Main and Dogwood Canals. The 60.8 acre parcel is undeveloped former agricultural land and is located within the City of Calexico's proposed 111 Calexico Place project site, a proposed commercial highway development project. The Tribe proposes to develop a 220,000 square foot casino facility on the 60.8 acre parcel. The casino facility would include an approximately 90,000 square foot casino and 120,000 square feet of food/beverage and retail components and a 10,000 square foot entertainment venue. In addition, there will be a 60,000 square foot banquet/meeting hall and 260 room hotel. The casino will have 2,000 slot machines and 45 gaming tables. There will be three guest restaurants and one employee dining room. A swimming pool and 3,000 guest space/400 valet space parking structure will also be developed within the project area.

Areas of environmental concern to be addressed in the EIS include land resources, water resources, biological resources, cultural resources, radio and transportation, noise, air quality, public health/environmental hazards, public services and utilities, hazardous waste and materials, socio-economics, environmental justice and visual resources/aesthetics. In addition to the proposed action, a reasonable range of alternatives, including the no-action alternative will be analyzed in the EIS. The range of issues and alternatives may be expanded based on comments received during the scoping process.

Public Comment Availability

Comments, including names and addresses of respondents, will be available for public review at the BIA address shown in the ADDRESSES section during business hours, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such comments will be honored to the extent allowed by the law. We will not, however, consider anonymous comments. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Authority

This notice is published in accordance with sections 1501.7, 1508.6 and 1508.22 of the Council of Environmental Quality Regulations (40 CFR, Parts 1502 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371, et seq.) Department of the Interior, Manual (518 DM 1-7), and is in the exercise of authority delegated to the Principal Deputy Assistant Secretary - Indian Affairs by 209 DM 81.

Principal Deputy Assistant Secretary - Indian Affairs

L458

M19,22,25

APPENDIX B

Public Meeting Transcript and Speaker Cards

**MANZANITA BAND OF THE KUMEYAAY INDIANS FEE-TO-TRUST AND CASINO
FACILITY/HOTEL PROJECT EIS RESULTS OF SCOPING
List of Speakers, Comment Cards, and Letters**

SPEAKERS		
Speaker Number	Speaker	Affiliation
1	Wally Leimgruber	Fifth District Supervisor of Imperial County
2	Victor Carrillo	First District representative
3	John Renison	Mayor, City of Calexico
4	Enrique Alvarado	Board of Trustee, Calexico Unified School District
5	Ricardo Ortega	Resident, City of Calexico
6	Mary Rangel-Ortega	Resident, City of Calexico
7	John Moreno	Resident, City of Calexico
8	John Hernandez	Our Roots Multicultural Center representative
9	Gilbert Geijalva	Resident, City of Calexico (past Mayor)
10	David Groesbeck	Chief Business Official, Calexico Unified School District
11	Frank Jozwiak	Attorney, Quechan Indian Tribe and Indian Reservation
12	Louis "Louie" Wong	Merchant, seat of Calexico
13	Daniel Romero	Resident, City of Calexico
14	Roberto Gutierrez	Resident, City of Calexico
15	Sky Ainsworth	Resident, City of El Centro
16	Angelica Duenas	Resident, City of Calexico
17	Thomas Tapuzas	Resident, City of El Centro
18	Evelyn Sepin	Resident, Ocotillo
19	Mike Castillo	Resident, City of Calexico (Board of Trustees in Calexico)
20	Robert Williams	Resident, City of El Centro
21	A.K. Bonham	Resident, Holtville, California (Imperial Valley)
22	Jack Terasas	Resident, City of El Centro
23	Mike Neciak	Pastor, Church of the Redeemer, Brawley, California
24	Ralph Garcia	Assistant Director, New Creations
25	Rosie Yamas	Resident, City of El Centro
26	Pat Drainbo	Resident, Imperial (Pastor of church in El Centro)
27	Monica	Resident, New Creations
28	Unidentified Speaker	Unknown
29	Ramone Lopez	Resident, Imperial Valley

COMMENT CARDS		
Comment Number	Name	Affiliation
1	Sergio Rojas	Amistad Familiar A.R.

COMMENT LETTERS			
Letter Number	Name	Affiliation	Date
1	Monica Soucier	Imperial County Air Pollution Control District	3/24/08
2	Jurg Heuberger, AICP	Imperial County Planning & Development Services	3/25/08
3	Michael Leonard (?)	Resident	3/26/08
4	Victor M. Carrillo Supervisor, District 1	County of Imperial Board of Supervisors	3/27/08
5	Wally Leimgruber, Supervisor, District 5	County of Imperial Board of Supervisors	3/27/08
6	Mary Rangel Ortega	Resident	3/27/08
7	Jim Shinn, LCSW	Resident	3/28/08
8	Frank R. Jozwiak	Morisset, Schlosser, Jozwiak & McGaw (Attorneys for the Quechan Tribe)	4/3/08
9	Jacob Armstrong	State of California, Department of Transportation, District 11	4/4/08
10	Carmen Durazo	City of Calexico, Mayor Pro Team	4/7/08
11	Trevin E. Sims	Lozano Smith (Legal Counsel for Calexico Unified School District)	4/7/08

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PUBLIC SCOPING MEETING OF THE
MANZANITA BAND OF KUMEYAAY INDIANS
FEE-TO-TRUST LAND AND CASINO PROJECT

MARCH 27, 2008
EL CENTRO, CALIFORNIA

REPORTED BY: MONICA RAE SAVERCOOL, CSR NO. 8004

1 THURSDAY, MARCH 27, 2008, EL CENTRO, CALIFORNIA

2 VAL THOMAS: Good evening, ladies and
3 gentlemen. Tonight is the scoping meeting for the
4 proposed fee-to-trust land and hotel/casino project
5 environmental impact statement.

6 My name is Val Thomas, and I'm an environmental
7 protection specialist for the Bureau of Indian Affairs.
8 The Bureau of Indian Affairs is a bureau within the
9 Department of the Interior, which is a part of the
10 federal government. I will be your facilitator for this
11 evening's hearing. And I would like to introduce my
12 supervisor, Mr. John Rydzik, in the back. And also to
13 our right is Patrick O'Mallin. He's our lead fee of
14 trust environmental protection specialist. Now, both
15 Mr. Rydzik and Pat O'Mallin are out of our Sacramento
16 office.

17 I'd like to start by pointing out a little bit
18 of logistics. The restrooms are located out this back
19 door, down the hallway, and to the right. For emergency
20 exits, the staff asks if there is anything of an
21 emergency such as earthquake, et cetera, that we would
22 exit out the back door here, down the stairs, and
23 through the side -- there's a side door -- and then out
24 into the parking lot and wait for emergencies services.

25 Okay. So the purpose of our hearing tonight is

1 to conduct a full scoping for the environmental impact
2 statement for the proposed fee-to-trust land acquisition
3 of 60.8 acres and the subsequent development of a casino
4 complex for the Manzanita Band of Kumeyaay Indians,
5 which is a federally registered tribe. The proposed
6 casino complex will be located near the City of Calexico
7 in Imperial County, California. And for site location,
8 if you've got the board right here and then also in your
9 handouts there's a nice picture of the location.

10 The purpose and need for this project is that,
11 as part of its business plan to improve tribal economy
12 and to assist tribal members to attain economic
13 self-sufficiency, the Manzanita Band proposes to bring
14 fee simple land into trust for the purpose of building a
15 casino complex. The federal action that triggers the
16 NEPA, National Environmental Policy Act, in this case is
17 the action of bringing the fee simple land into trust
18 for the purpose of gaming.

19 The proposed casino facility will consist of a
20 gaming area, restaurants and lounges, retail shops,
21 meeting and assembly rooms, entertainment and recreation
22 spaces, facilities for sports spaces, a central plant
23 consisting of generators and air conditioning units, a
24 hotel with approximately 200 rooms, parking spaces for
25 about 3,200 cars or vehicles, and a joint fire and

1 police station. Issues and concerns to date, I'm not
2 aware of any.

3 And I will commence with a few procedural
4 matters. Then I will acknowledge our federal government
5 officials, if we have any here tonight, followed by the
6 Chairman of the Manzanita Band of Kumeyaay Indians,
7 Mr. Elliott, if he's here tonight's, and any other
8 elected officials, followed by public testimony.

9 Again, the purpose of the scoping hearing
10 tonight is to receive public input as to what the public
11 believes are significant environmental issues which may
12 result from the proposed federal action and what are
13 reasonable alternatives to that proposed action so that
14 they might be thoroughly analyzed in the EIS process.
15 With that in mind, please be clear that tonight's
16 purpose is not a question-and-answer period, nor is it a
17 debate. You will have an opportunity to tell us what
18 the environmental issues are that important to you and
19 what needs to be discussed and analyzed in the EIS.

20 The outcome of the scoping process, what we're
21 doing here tonight, is called a Results of Scoping
22 Report. It's a plan for the preparation of this EIS.
23 It will lay out the significant issues, the cooperating
24 agencies, and the alternatives to be discussed in the
25 EIS. The results of the scoping report will be mailed

1 to everyone that's on the mailing list, which can be
2 accomplished by you being here tonight and giving us
3 your name and address on the sign-in sheet or giving
4 us -- sending us a letter requesting that you get a copy
5 of that report or by giving public testimony here
6 tonight and giving us your name and address.

7 The next steps after the Results of Scoping
8 Report is the draft EIS. And that should address all
9 concerns that are raised in scoping.

10 Let's talk a little bit about the preparation
11 of this environmental impact statement, or EIS, as you
12 will hear me say quite frequently tonight. The
13 preparation of an EIS consists of the following: It
14 identifies the purpose and need for the proposed
15 project; it identifies the project issues and concerns;
16 develops reasonable range of alternatives for the
17 proposed project; evaluates potential environmental
18 consequences of the alternatives; then provides for
19 public participation through formal meetings and the
20 opportunities to send in comments.

21 The steps of the NEPA EIS process for this
22 proposed project are as follows: We first send in a
23 federal notice of intent to prepare an EIS. And that
24 was done on March 7, 2008. The scoping period for
25 public input is through April 7th of 2008. Then we go

1 into analysis of alternatives and the development of the
2 draft EIS, which takes about two or three months on
3 average. Then the draft EIS is issued for public review
4 for a minimum of 45 days. Public hearing on the draft
5 EIS is not less than 15 days after the federal
6 registered notice of publication. And then there is a
7 respond to comments and preparation of a final EIS.

8 Once that's done, we publish a notice of
9 availability again in the federal register and the local
10 papers to alert you to that we have finalized that
11 environmental document. Then it's available for 30 days
12 of public review, after which the record of decision is
13 published.

14 At this point I need to explain how we're going
15 to do this public process right now. We're going to
16 take speakers in the order which they have signed in in
17 the back, with the exception of any elected leaders, who
18 I'll invite to come up first. And I respectfully ask
19 that everybody confine their remarks to about three
20 minutes so that we all can have an opportunity to speak.
21 Time permitting, after everyone has had an opportunity
22 to speak, we'll allow you to come back up for an
23 additional three minutes if there's any more information
24 that you wanted to give us that you couldn't get in in
25 that first time period or if you have thought up

1 something new.

2 If you have written comments, we'll accept them
3 here tonight. Otherwise, please mail them to the
4 address that was in the notice so that they get to us
5 before the 7th of April.

6 To best participate in this formal process
7 hearing, we offer the following recommendations which I
8 like to call the ground rules: First, is that we ask
9 that you summarize your main points within your
10 three-minute public speaking period. We're going to
11 time you with our high-tech kitchen timer so that you'll
12 know when your time is up. Your details are best
13 provided in a written format, and we'll be happy to
14 collect them from you at any time during this process.
15 But, again, make sure that you get them in on or before
16 the 7th of April, 2008.

17 The second thing is that we ask you to be as
18 specific as you can. Only what we call substantive
19 comments will be reviewed and responded to in the
20 preparation of this EIS.

21 And, lastly, try to avoid personal attacks.
22 The best opportunity to state your views convincingly is
23 through a brief and factual presentation. We all agree
24 it's okay to disagree. It's just how we do that we'll
25 make this process flow smoothly.

1 All right. So with that, I'd like to introduce
2 any elected officials that we have here tonight. Okay.
3 We do have Mr. Wally Leimgruber and Victor Carrillo and
4 Mayor John Renison and Mayor Pro Tem Carmen Durazo.

5 Is there anybody else that we didn't note on
6 this list?

7 Okay, then.

8 Sir?

9 UNIDENTIFIED SPEAKER: Do we have other speaker
10 slips.

11 WALLY LEIMGRUBER: Thank you for having the
12 scoping meeting here in Imperial County. My name is
13 Wally Leimgruber. I serve as a Fifth District
14 Supervisor of Imperial County. This draft environmental
15 impact statement regarding the Manzanita Band of the
16 Kumeyaay Indian is proposing to take land from trust --
17 or fee lands into trust lands. And the tribe's
18 application to the Bureau of Indian Affairs dated
19 April 14th of 2006 seeks to attain this approval for the
20 project under exception referred to in Section 20 of
21 IGRA.

22 If approved, the ownership status of the
23 property would be converted from taxable status to
24 nontaxable Indian trust status. This acquisition would
25 impact state and local government as the property is

1 removed from the tax roll. Every Californian, including
2 every tribal member, depends upon county government for
3 a broad range of services from public safety and
4 transportation to waste management and disaster relief.
5 Counties are the largest political subdivision of the
6 State having corporate authority and are vested by the
7 legislature with the powers necessary to provide for the
8 health and welfare of all of our people within our
9 borders.

10 Counties are responsible for countywide justice
11 system, social welfare, health, and other services,
12 including the following: The sheriff's office, the
13 district attorney, welfare, agricultural department,
14 behavioral health, public health, veterans services,
15 farm and home, and 4-H advisor office, our treasurer,
16 tax collector, our public defender, our fire department,
17 and our child support services.

18 Most of those services are provided to
19 residents both outside and inside city limits. Unlike
20 the exercise of land use control, such programs as
21 public health, welfare, and jail services are provided
22 and often mandated regardless of whether recipient
23 resides within a city or in the unincorporated area of
24 the county. These vital public services are delivered
25 to California residents through its 58 counties. It's

1 no exaggeration to say that county government is
2 essential to the quality of life for more than 36
3 million residents in our state today. No other form of
4 local government so directly impacts the daily life of
5 all citizens.

6 In addition, because county government has very
7 little authority to independently raise taxes and
8 increase revenues, the ability to adequately mitigate
9 all off-reservation commercial endeavors is critical or
10 county services can be put at risk. California
11 currently leads the nation for off-reservation tribal
12 gaming acquisition. The Bureau of Indian Affairs must
13 concern themselves with establishing a coherent and
14 consistent policy for acquired lands consistent with
15 Section 20 of the Indian Gaming Regulatory Act.

16 Thank you.

17 VAL THOMAS: Thank you.

18 Next I would like to ask Mr. Victor Carrillo.

19 VICTOR CARRILLO: Thank you and good afternoon.

20 I represent District 1, which encompasses Calexico, the
21 border area, and this is where the proposed casino site
22 will be located in the city limits. And I'd like just
23 to mention a few things that -- one, to take the emotion
24 out of the issues, just focus on the merits -- is that
25 the tribe has been in discussions and negotiations with

1 the community of Calexico for the past three years.
2 Town hall meetings were established. A memorandum -- a
3 voter-wide city election was taken where there was
4 enormous response and support of the community wanting
5 their city council to negotiate with the Manzanita Tribe
6 to enter into a memorandum of understanding, which they
7 have done.

8 There's been -- and that memorandum of
9 understanding will address some of the issues that were
10 raised by Supervisor Wally Leimgruber of District 5. In
11 essence, there's a \$2,000,000 fee that will be paid
12 annually to the City of Calexico, where 30 percent will
13 go on the Calexico Unified School District, 18.6 percent
14 will go to the county to mitigate any offsets, IVC,
15 Imperial Valley College, will also receive funding.
16 There's also a \$250,000 annual amount that will go to
17 the permanent fire station that will be built near the
18 location.

19 Also, a \$100,000 fund will be established for
20 an advisory committee made up of community members who
21 will ascertain to the distribution or allocation of
22 those funds, whether its to recreation, cultural arts,
23 the homeless shelters, or those in need that apply and
24 go through a process.

25 Issues and full analysis that should be

1 addressed that I would support the tribe is expected to
2 do so. They want to be treated like any other business
3 entity that would be coming into this community, those
4 being traffic congestion, water, waste water management,
5 criminal justice adjudication, public safety matters,
6 health and social services. And we fully expect that.
7 And I would expect nothing less from them. They have
8 never come in with an entitlement attitude or whatever.
9 They have ancestral ties to the Imperial Valley, and
10 particularly to Calexico, and they propose to be engaged
11 in a stage of philanthropy to help offset any of the
12 costs and any of the social services that would be
13 needed.

14 And so primarily my support is for the economic
15 engine and stimulus that it will provide not only to
16 Calexico but the entire Imperial Valley. We have a 21
17 percent unemployment rate, this will generate as many as
18 2,400 jobs. So we have a lot of people that are
19 dependent. I've been overwhelmingly supported by my
20 community as the constituency has repeatedly asked me
21 when is this casino going to become a reality because
22 not only are we looking for the job opportunity, but
23 also for the entertainment factor.

24 Thank you very much.

25 VAL THOMAS: Thank you, sir.

1 From the City of Calexico I believe we have
2 Mayor John Renison.

3 JOHN RENISON: Thank you very much and good
4 evening and thank you for this opportunity to be here.
5 And democracy is wonderful because, like you say, we
6 hear all sides of the story before we get to the bottom
7 line, why this is such a great project for the community
8 of Calexico.

9 I speak on behalf of thousands of residents of
10 Calexico who voted in favor of this casino. Why? The
11 job opportunities, the fact that Calexico and the
12 Imperial Valley will become a destination once again.
13 For years we've thought about how we attract industry to
14 the valley. We've been a little bit short-sided in
15 that. Maybe we haven't done our best job, but certainly
16 we've tried. But I think by embracing this project and
17 looking at the big picture, looking at the tax benefits
18 it will bring to the county -- Supervisor Leimgruber is
19 a very good friend of mine, but I think he hammered on
20 the fact this will take taxes, this will take money away
21 from the county. But like Supervisor Carrillo said,
22 before I would or the citizens of Calexico would or the
23 citizens at large of our city would the tribe has said
24 they will pay their fair share. They must enter into an
25 MOU with the County to mitigate all impacts that are not

1 addressed initially and the City of Calexico as well, as
2 pertains to fire protection, police protection, roads,
3 what have you, et cetera, et cetera.

4 We feel that the tribe will be a good neighbor
5 to the county, not just to the City of Calexico. This
6 happens to be -- and I'm very glad to say -- a Calexico
7 project. I'm very happy to say that I was with the
8 very, very first initial meetings in Viejas with
9 Supervisor Carrillo and Mr. Ross, who will probably
10 speak later this evening, embracing this project.

11 We didn't know what it was at that time, but as
12 we got to know the tremendous impact it would have,
13 positive impact, on the City of Calexico, we embraced
14 it. And certainly the citizens of Calexico can
15 certainly say with pleasure and proudly that they
16 embrace this project. And anything that comes up of a
17 negative nature I'm more than certain and as sure as I'm
18 standing here representing our citizens that the tribe
19 and the City of Calexico will come forth and mitigate
20 the impacts that people feel have not been mitigated to
21 this point.

22 Thank you very much.

23 VAL THOMAS: Thank you, sir.

24 Mayor Pro Tem Carmen Durazo.

25 No.

1 Are there any other elected officials that
2 would like to speak tonight?

3 Oh, okay, we have one more? Sorry, sir.

4 ENRIQUE ALVARADO: Good evening. My name is
5 Enrique Alvarado Alvarado. I'm board trustee for the
6 Calexico Unified School District. And I am here just to
7 share support that we have for the casino project for
8 the Kumeyaay Indians. We are working diligently with
9 the City to get this project going.

10 One of most important things that we've done,
11 we've also had private conversations with the Indian
12 tribe, and their goals are very much what the City of
13 Calexico needs. Their major goals are economic
14 development and education for the students and for -- of
15 our community. So I am just here in support of the
16 Kumeyaay Indian casino project that is going on in
17 Calexico and that the Calexico Unified School District
18 fully supports that project.

19 Thank you.

20 VAL THOMAS: Thank you, sir.

21 All right. One final matter prior to our
22 speakers, when you come up to speak, please restate your
23 name for the recorder. Thanks.

24 All right. We will now go into the formal
25 hearing, and our first speaker is Mr. Ricardo Ortega.

1 RICARDO ORTEGA: Good evening. My name is
2 Ricardo Ortega. My address is 429 East Sherman,
3 Calexico. I would just like to submit for the record a
4 report developed by the City of Oxnard by Michael
5 Bradberry, which is the district attorney for Ventura
6 County. When they were considering to -- whether to
7 have a casino there in Oxnard. It's a very good report,
8 and it touches on a lot of the things that I think needs
9 to be touched by your environmental impact statement.

10 For example, it touches on the issues of
11 gambling and crime, the economic impact to the
12 community, fraud on the public, the gambling impact on
13 families abused and neglected, the pathological gambler
14 or the addictive gambler, the adolescent or youth
15 gambler, gambling and homelessness, financial and credit
16 issues, and also the thing relating to tribal
17 sovereignty and relation to government control.

18 And basically I would like to leave this with
19 you. And it's a really good report in terms of how the
20 City of Oxnard decided against, after having this report
21 presented to them, of having a casino in their own city.

22 The other two concerning -- two concerning the
23 election in June 7, 2007 -- 2005, I would like to state
24 for the record that the money spent by the Manzanita
25 tribe was \$271,929 to pass the Measure N. The community

1 which basically I belong to was a lot of church groups
2 and local representatives who spent \$1,300. And it was
3 not overwhelmingly. It just passed barely by a slim
4 majority. Out of 13,000 --

5 Is that it?

6 VAL THOMAS: No, go ahead.

7 RICARDO ORTEGA: Out of 13,000 registered
8 voters, the turnout was 9,980. So essentially it was a
9 30 percent turnout. And this amounts to about 6.4
10 percent of the people of Calexico deciding -- 6.4
11 deciding on this measure. So in terms of tremendous
12 support, it does not have tremendous support. It was
13 intentionally just done in Calexico, and you know very
14 well that the impact is not going to be only in
15 Calexico. It's going to be Imperial County. Yet the
16 people in El Centro, Brawley, Heber, Holtville,
17 Westmorland were disfranchised. They were not able to
18 have any voice whatsoever whether this should come in --
19 this casino, Manzanita casino should come in to Imperial
20 County. So that's certainly something that I think
21 should be looked into.

22 VAL THOMAS: Okay. Thank you very much, sir.

23 RICARDO ORTEGA: Thank you.

24 VAL THOMAS: Our next speaker is Mary
25 Rangel-Ortega.

1 MARY RENGEL-ORTEGA: Good evening. My name is
2 the Mary Rangel-Ortega. I'm a resident of the City of
3 Calexico. I have been a resident there for 60 years.
4 I'm 63 years old. I have strong ties to this community,
5 very, very strong ties. And I'm concerned about what
6 happens there. By the way, my address is 429 Sherman
7 Street, Calexico.

8 In the movie Back To The Future, Part II, Marty
9 returns to a dark future. The Biff Casino has sucked
10 the life out of the idyllic hilled valley and
11 transformed it into a living hell where crime abounds
12 and poverty of spirit are evident..

13 This scenario will not be too far from our own
14 reality here in Imperial County if the Manzanita casino
15 is allowed into our community. The Manzanita casino in
16 our community would have an extremely detrimental impact
17 not only on our small community of Calexico, but the
18 entire County of Imperial. The damage to individuals,
19 families, and the economy would far outweigh whatever
20 revenue would be introduced. Our community has always
21 been family-oriented, peaceful, and safe. Introducing
22 the Manzanita casino will disrupt the harmony of our
23 community, indeed damage the very fabric of our lives
24 and our families.

25 The National Collision Against Legalized

1 Gambling clearly documents the relationship between
2 crime and gambling. A public report to the Oxnard City
3 Council by Michael Bradberry, which my husband alluded
4 to, in May of 2001 provides a very wonderful facts about
5 crime and gambling.

6 For example, according to a Minneapolis Star
7 Tribune in 1995, in the first six years after a casino
8 opened in Minnesota, the crime rate in the counties with
9 a casino increased more than twice as fast as the
10 non-casino counties.

11 A study published in 1991 reported the impact
12 of gaming in Atlantic City. And it notes the total
13 number of crimes within the 30-mile radius of Atlantic
14 City increased by 107 percent in the nine years
15 following the arrival of casinos.

16 In 1997 the Mississippi Coast Crime Commission
17 reported there was a 43 percent increase in crime in the
18 four years after casinos arrived.

19 Our own IV Press today reported that San Diego
20 District 2 supervisor Diane Jacob, whose district has
21 six casinos, says that the communities near casinos can
22 certainly expect an increase in crime, traffic, noise,
23 and even possibly water conflicts.

24 The Manzanita tribe proposes to place its
25 casino inside the city limits of the City of Calexico

1 and, as I understand it, just west of Highway 111.
2 Highway 111 is the main thoroughfare for Mexicali,
3 Mexico. Often, especially during the harvest season, we
4 experience heavy traffic going to and coming from
5 Mexicali, Baja California. Often passage from the city
6 east to west is --

7 Is that it? Oh, my God. That's really fast.

8 VAL THOMAS: Yes, ma'am. We'd like you to wrap
9 it up, please. You can leave that with us.

10 MARY RANGEL-ORTEGA: I will.

11 The damage to the families of our communities
12 far outweighs the revenues the Manzanita casino would
13 propose. The revenue flow for the Manzanita casino is
14 simply fool's gold. I urge the BIA to include in their
15 study the crime, gambling, obviously the addiction -- I
16 didn't mention that. That was part of my statement too.
17 I have references here from the National Coalition
18 Against Legalized Gambling that tells you that this is
19 not a fly-by-night organization.

20 VAL THOMAS: Thank you, ma'am.

21 MARY RANGEL-ORTEGA: Thank you.

22 VAL THOMAS: Our next speaker is Margarita
23 Camacho.

24 Margarita Camacho, no?

25 How about John Moreno?

1 JOHN MORENO: Good afternoon. My name is John
2 Moreno. I live at 1265 Rancho Frontera in Calexico.

3 I see and I agree with Mayor Renison and
4 Supervisor Carrillo on the merits of this particular
5 project. I'd like to make sure that the traffic indeed
6 is mitigated to where there's an easy access in and out
7 and there's no delays or traffic jams.

8 Another thing I'd like to see included in this
9 report is that when citizens, individuals, apply for a
10 position as a worker, an employee, of this casino that
11 they be residents of either Calexico or the Imperial
12 Valley, because we need jobs for our particular town.

13 And I'd like to see, perhaps, even a further
14 study of possible recreational facilities, including,
15 but not limited to, a golf course and maybe some type of
16 water feature or water activity there for summer
17 visitors and to include, like I said, for the golf
18 course for our local residents and winter visitors.

19 Thank you.

20 VAL THOMAS: Thank you.

21 I'm not really sure about this, but it might be
22 Enrique Alvarado.

23 ENRIQUE ALVARADO: I spoke already.

24 VAL THOMAS: Okay. Our next speaker then would
25 be John Hernandez.

1 JOHN HERNANDEZ: Good evening. My name is John
2 Hernandez. I'm here representing Our Roots
3 Multicultural Center which is based in Calexico. It's a
4 nonprofit corporation. We focus on the cultural
5 preservation of North America. We feel that not only
6 this region of the United States stands to benefit by
7 the proposed development of the Manzanita Kumeyaays, but
8 also the tourism from Canada and Mexico will also be
9 enhanced by this project.

10 One of the main reasons that we feel that the
11 proposed facility should be allowed to proceed, because
12 of the multiplier effect, over 2,000 jobs it will inject
13 into the local economy. Economic stimulus of a
14 development of this nature brings not only positive
15 effects, in our view, of the stimulus and buying power,
16 over 2,000 jobs above minimum wage that are promised,
17 also coupled with health and medical benefits is
18 certainly an improvement to this very depressed economy,
19 always breaking records in unemployment rates in this
20 valley.

21 In addition, the buying power the economic
22 vitalization development of this nature brings to the
23 adjoining communities, not only Calexico, but the rest
24 of the communities, estimated to contribute to an
25 increase in property values as high as 25 percent.

1 And these are pluses, in my view, to local tax
2 revenues, transportation revenues at the state and
3 federal level that are very, very much needed across the
4 board. So we at the Multicultural Center value the
5 cultural ties the Manzanita Kumeyaay has to the Mexicali
6 Valley. The historical significance in this area from
7 desert to the sea is beyond dispute by the Kumeyaay and
8 the ancestral villages that once populated this area
9 translates, in our belief, that their commitment to the
10 preservation of the Kumeyaay and human culture is in
11 line with our efforts to preserve all cultures.

12 So we believe the economic development
13 revitalizes native and indigenous traditions. So our
14 local support is based on the Manzanita's commitment to
15 be a good responsible neighbor. And we recognize they
16 are an integral part of the of the Yuma Desert and the
17 Mexicali Valley. So we voice our support and welcome
18 their development in this region because we believe they
19 belong here because this is where their roots are and
20 this is where ours are.

21 Thank you very much.

22 VAL THOMAS: Thank you, sir.

23 Our next speaker is Gilbert Geijalva.

24 Our court reporter asked if our speakers would
25 speak a little slower.

1 GILBERT GEIJALVA: My name is Gilbert Geijalva,
2 and I'm a resident of the City of Calexico, past mayor.
3 My current address is 1217 Rosos Street in the City of
4 Calexico.

5 I'm not here to speak on the merits of this
6 particular project as far as impact of development and
7 such. That argument is going to continue, and there's a
8 moral decision that has to be made as the time goes.
9 The photos of the project site are little bit outdated.
10 It's not really the way things are currently. There's
11 more development in that region, especially further
12 south of this proposed development.

13 My concerns are more with the quality of life
14 issues, such as safety, such as safety in the way of
15 traffic on State Road 111. A portion of that road was
16 named after the past fire chief Pete Pedroza who,
17 unfortunately, lost his life on that roadway, being that
18 it was such a danger. Some signal lights have been
19 placed as a Band-Aid. But if this project moves
20 forward, we need more than a Band-Aid. We need
21 something comprehensive as far as the slow of traffic,
22 something such as an overpass to move traffic easily and
23 quickly.

24 A speaker mentioned earlier that we do get
25 quite a backup of traffic during the winter months with

1 all the farm activity around and traffic does back up
2 all the way to that site. It would be lovely watching
3 people try to turn in and turn out and start yelling and
4 cussing and doing all the wonderful things folks tend to
5 do to each other when they are in a hurry to get
6 somewhere.

7 So my real concern is safety as far as the
8 traffic there. We have not only Chief Pedroza, but
9 Mrs. Villapondo and other families who have lost loved
10 ones on that road. It's something that's really serious
11 to be considered.

12 Another concern that I just wanted to share, I
13 think the negotiations are far too little, that the City
14 is being taken advantage of, and \$2,000,000 really isn't
15 sufficient for what it will be needed in the community.
16 We do need quite a few facilities within the community.
17 We need parks. We need libraries, fire station, police
18 station. Maybe that will be addressed. I think we need
19 more than one.

20 Also, there will be an impact financially as
21 far as if a 200-unit hotel development does get built,
22 in that the City will lose its transit tax which is
23 approximately 10 percent at this time. So that is a
24 major, major impact. So I really feel that the fee that
25 has been negotiated is way too small. They need to take

1 another look at it.

2 Indian tribes have negotiated building schools,
3 building other medical clinics and other things in other
4 communities. We should take a look at that also
5 currently.

6 Thank you.

7 VAL THOMAS: Thank you, sir.

8 Our next speaker is David Groesbeck.

9 Go ahead, sir.

10 DAVID GROESBECK: Good afternoon. My name is,
11 as you said, David Groesbeck. My address is 1264 Fiesta
12 Avenue in Calexico. I'm here as the chief business
13 official for the Calexico Unified School District, and
14 I'm speaking in support of the proposal.

15 This has been a collaborative effort between
16 and among many parties, including the City's leadership,
17 the school district, and others. And I've been
18 impressed by the commitment of the Kumeyaay Manzanita
19 band. They have deep roots in Calexico, and that's
20 exemplified by their participation in the New River
21 project, which is something that is very important to
22 the well-being of our community.

23 We have met with the tribal leadership, as I
24 had indicated, and I believe that they share our
25 commitment to a very strong educational program. I

1 heard Mr. Greijalva talk about the need to continue to
2 negotiate with the band. I believe that there is a
3 willingness on the part of the Manzanita band leadership
4 to, if you will, contribute their fair share to the
5 community.

6 There are, as has been stated before, potential
7 economic benefits to a depressed area in Calexico. And
8 the Imperial Valley falls in that category. And I would
9 urge the group to approve the proposal without delay.

10 Thank you.

11 VAL THOMAS: Thank you, sir.

12 Frank Jozwiak.

13 FRANK JOZWIAK: My name is Frank Jozwiak,
14 J-o-z-w-i-a-k. I'm the attorney for the Quechan Indian
15 Tribe and Indian Reservation.

16 I just to go to the real purpose of this
17 meeting, which is a scoping session for the EIS. And
18 under regulations and under NEPA, the EIS should include
19 a hard look at economic impacts of the proposal.

20 And on behalf of the Quechan tribe, we are --
21 we believe there will be significant negative economic
22 consequences for the tribe as a result of this proposal
23 if it should go through. And we ask that the draft EIS
24 pay special attention to how it might impact the
25 economics of the tribe, the Quechan tribe.

1 The Quechan tribe's reservation is about 50
2 miles back east from here, or actually from Calexico
3 itself. The tribe is currently running two casinos on
4 its reservation, on trust lands on the reservation. The
5 reservation, which was created in 1884 by executive
6 order, we are in the process of building a \$200,000,000
7 plus casino/hotel resort at the west end of the
8 reservation closer in to Calexico. That's currently
9 under construction. It's on tribal trust lands, no fee
10 to trust approvals were required.

11 And this project here would have a devastating
12 effect on the Quechan tribe. And the moneys that the
13 Quechan makes, the jobs that the Quechan tribe produces
14 creates from these projects benefits Imperial Valley as
15 well as the Quechan tribe.

16 The tribe has had reservation gaming going on
17 about 10 years now. They have been quite successful.
18 And we figure our marketing studies show we get about 20
19 percent of our clientele from the
20 Calexico-El Centro-Mexicali area. So this would be
21 having potentially a 20 percent impact on the tribe's
22 income and jobs and even maybe the viability of our
23 casino.

24 As I said, the regulations and NEPA itself do
25 require that, as the regulations state, of course the

1 environmental quality regulations state -- it says when
2 the environmental impact statement is prepared and
3 economic or social or natural, physical, environmental
4 effect are interrelated, the environmental impact
5 statement must discuss all these affects on human
6 environment, including economic effects.

7 And generally we always hear the plus economic
8 effects, the jobs that are created by the new project.
9 There's only so many casino jobs in Imperial County.
10 There's only so many casino patrons that are going to be
11 in Imperial County and in the area, in the valley. It's
12 either one is going to take away from the other, or the
13 other one is going to take away from the other one.

14 We were there first. We're on the reservation.
15 This land is part of the Quechan tribe's traditional
16 lands, and along with the Yuma Indians which the Quechan
17 tribe are part of. A claim that this is historic lands
18 of a tribe is not necessarily the criteria for whether
19 you come into another tribe's economic zone and build a
20 casino that's in direct competition and, in fact, closer
21 in to one of the bases of the tribe's -- existing
22 tribe's gaming patronage.

23 So with that in mind, we will submit written
24 comments by April 7th. And just to conclude, the
25 Quechan tribe strongly opposes this casino for these

1 reasons.

2 Thank you.

3 VAL THOMAS: Thank you, sir.

4 Louis Wong or "Louis" Wong. Sorry.

5 LOUIS WONG: My name is Louie Wong. I'm a
6 merchant at the seat of Calexico.

7 I just feel that I travel all over the place,
8 all over the different states and city. I have seen
9 casinos everywhere, and why shouldn't we have one for
10 the county, for this county?

11 And I'm a merchant. I do believe that the
12 casino will bring us a lot of business. And I talk to
13 some of my friends in Mexicali and friends from the seat
14 of Calexico. They always ask me, "When will the casino
15 be open?" And I tell them pretty soon. So there's a
16 need for them to build the casino and have some fun.

17 Thank you.

18 VAL THOMAS: Thank you, sir.

19 Are there any more speakers out there? I've
20 run out of cards.

21 Daniel Romero.

22 DANIEL ROMERO: Daniel Romero from the City of
23 Calexico, 800 Holdbridge Street. I'm here also as a
24 citizen. I'm also in support of the casino being
25 established in the City of Calexico. I just have some

1 brief comments.

2 Yes, there was some statistics that were
3 presented earlier regarding the vote. There's no doubt
4 that the turnout was not a high turnout, but yet
5 citizens of Calexico and even from the county are going
6 to the other casinos towards Viejas and also towards
7 Yuma. So if we're talking one thing is a safety issue,
8 it would be more of a safety issue to go ahead and build
9 a casino so county residents do not have to travel as
10 far as they do.

11 The other thing, as far as for security or for
12 safety, again from casinos going towards San Diego and
13 going towards Yuma, I haven't heard of any reports that
14 clear that there is a high crime rate in those areas.

15 Viejas, as it was mentioned in the paper here
16 today, is a very respective -- respected business-minded
17 tribe. They have other businesses that they are
18 involved in. And for them to support this -- the
19 establishment of the casino in the City of Calexico, as
20 far as myself as a citizen, it shows that they are
21 willing to stick their name that the casino will be very
22 well established with security, safety, with fire
23 department and everything.

24 And obviously with the benefit of the economic
25 that the City needs, responsible growth, and I'm pretty

1 sure that whatever the casino offers the City of
2 Calexico and the surrounding communities that it will
3 benefit everybody, not just Calexico.

4 There is already a casino, if I'm not mistaken,
5 in Imperial County. It's towards the border of Yuma.
6 That's also a factor that, again, I haven't heard any
7 serious concerns over there in the City of Winterhaven,
8 Andrade, or even Yuma.

9 Thank you.

10 VAL THOMAS: Thank you, sir.

11 Roberto Gutierrez.

12 ROBERTO BUTIERREZ: Good afternoon.

13 First I'd like to congratulate Mr. Leimgruber
14 for -- is he here -- for keeping up the fight opposing
15 when Calexico was Measure N.

16 I'm an educator, counselor, and due to my
17 profession and also my personal morals, values, I have
18 dealt in, delved into investigating regarding the
19 casinos economically, health-wise, as far as how it
20 affects families, communities. And everything I've read
21 has been negative.

22 Somebody here is mentioning, okay, we'll bring
23 in more business. Business people, they are talking
24 because for them it would be an immediate impact for
25 them.

1 Safety. Perhaps, but, regardless, I think it's
2 still dangerous. Somebody who is gambling, you have a
3 certain type of person. And usually we want to call
4 it -- not being politically correct, but being raw --
5 it's an addiction. And if you look in the journals.
6 You can look in psychology. And you look at what people
7 who have -- even a lawyer. You heard in the in paper
8 recently she lost -- I don't know -- half a million
9 dollars. I think I it was close to New York somewhere.
10 Spanish surname, young lady, a lawyer, she lost half a
11 million dollars gambling and she wanted to sue the
12 casinos, which, New Jersey, I thought it was a little
13 bit ridiculous. But she's addicted. And it is an
14 addiction, fellows and ladies.

15 VAL THOMAS: Sir, could you speak to us?

16 ROBERTO GUTIERREZ: It is an addiction.
17 Whatever you want to call it, being politically correct,
18 it is an addiction that will have an effect.

19 If you look at Sin City, look what they are
20 calling it, Sin City. Now it's Las Vegas. And he was
21 the next Mafia lawyer, the mayor. And what we have, we
22 have the highest rates of divorce. We have the highest
23 rates of bankruptcy. And if you look at all those
24 tolls, it does have an effect on the community.

25 VAL THOMAS: Thank you, sir. Your three

1 minutes is up. I appreciate that.

2 We have Sky Ainsworth.

3 SKY AINSWORTH: My name is Sky Ainsworth. I'm
4 a resident of El Centro, California.

5 My concern is that as a -- we in the Imperial
6 Valley are potentially getting a little greedy. We're
7 seeing this casino come in with potential revenue. And
8 with the issues raised right now about the impact,
9 negative economically and socially and morally, maybe
10 reconsider rather than have a grand casino, shrink it
11 down.

12 But also I was curious if -- I have compiled a
13 list of grants of various projects that the money and
14 revenue generated from this casino could be funneled
15 into. I'm here unofficially as a representative of the
16 Clear Air Initiative. It's a -- we are very
17 concerned -- obviously all of us are very concerned with
18 just the health of the population of Imperial County, as
19 well as Mexicali County -- or Valley.

20 We feel that more traffic in the Imperial
21 Valley will generate more health problems. And if these
22 issues can be addressed, as well as issues of energy and
23 water conversation, which was mentioned in the Imperial
24 Valley Press article -- I looked on line and very
25 quickly found a grant website, a federal grant website,

1 for water conservation, energy conservation, different
2 federal grants and even state grants, that can be used
3 to revitalize and help the economy and generate more
4 jobs.

5 Potentially a lot of money can be funded
6 towards the Imperial Valley College generating more
7 high-income just professions that can be used and
8 utilized by the residents of Imperial County. And, in
9 general, I just think that we should look at
10 redistributing the wealth towards more cleaning up the
11 air, cleaning up the land. Because if we make Imperial
12 County a cleaner environment, more people will want to
13 come here, which of course can impact negatively because
14 that's more pollution.

15 But if we figure out how to best, you know,
16 make everything cleaner and get it so people can get
17 from Point A to Point B, not waste gas, I think that
18 that would be a lot more beneficial impact for the
19 Imperial County.

20 Thank you.

21 VAL THOMAS: Thank you, sir.

22 Angelica Duenas.

23 ANGELICA DUENAS: Good afternoon. My name is
24 Angelica Duenas. I live in Calexico. I'm a resident of
25 Calexico. I'm not representing anybody but myself as a

1 parent. Excuse me if I don't make sense sometimes, but
2 the purpose of me being here is as a parent. I'm also
3 trying to look what will be the future for my children
4 who will become adults in my community.

5 Considering that the casino will be placed in
6 the area where we reside, I was looking for the most
7 positive way of finding the casino being there. And one
8 of the things that I was thinking is, as Mr. Moreno
9 stated, how will our community benefit, like recreation,
10 parks, and all that.

11 I was a little bit disappointed recently
12 because, as a parent of a child who will soon be a
13 citizen -- she will turn 18 very soon. Her last year in
14 high school she is playing basketball. We asked for the
15 support of a casino, especially Viejas, and we were
16 rejected. We were rejected the support. So now I'm
17 doubting. Should I vote for this or not?

18 So I don't know if a lot of citizens -- a lot
19 of residents in Calexico will be thinking the same
20 thing. What are we going to benefit from this? Yes,
21 we're not going to encourage gambling because that's not
22 the only thing, but if we go to Viejas, we take our
23 children to do shopping, we take our children to have
24 family gatherings sometimes there, not to do with the
25 gambling.

1 But are we going to have that situation right
2 here that the casino does not support our youth? You
3 know, what should we expect? I just want to make sure
4 when all this positive things are being said here that
5 they go forward with that and that they are not left in
6 just talk.

7 By the way, this is my first meeting. And like
8 I said, I just want to give the benefit of the doubt
9 that they should reconsider the support to our youth
10 who, like I said, will become adults very, very near.

11 And my daughter especially, she wants to be a
12 chef. If she found that project as having a big casino,
13 having a place where maybe she not has to go out and
14 stay in San Diego or Las Vegas to, you know, get her --
15 achieve her dream of being a chef over there. But she
16 said, "Mommy, maybe -- they have a casino here -- I
17 don't have to be away from you. I can come back to my
18 home, which is Calexico."

19 So please consider the support for all the
20 activities that the youth have in our community.

21 VAL THOMAS: Thank you, ma'am. You did very
22 well.

23 I can't read the first name, but it's Topuzas.

24 THOMAS TAPUZAS: "Thomas Tapuzas." Sorry my
25 penmanship isn't what it should be.

1 THOMAS TAPUZAS: My name is Tom Tapuzas. I am
2 a resident of El Centro, 367 South Haskell Drive in
3 El Centro. And I'm here as an individual. I'm also the
4 chairman of the board of the Imperial Valley Economic
5 Corporation. But the comments I'd like to make are
6 based upon myself, not representing the IVEC.

7 First of all, between 1983 and 1987 I had an
8 opportunity to work in the governor's office, Office of
9 Economic Opportunity. And at that time we distributed
10 antipoverty money and low-income energy assistance money
11 throughout the State of California.

12 I had a chance to work with American Native
13 tribes from Modoc, Siskiyou, down to the Southern
14 California Travachukes (phonetic). The experiences that
15 I've had with the Kumeyaay Indians and with Viejas has
16 been one where they always do what they say they are
17 going to do. They are a very trustworthy, very honest
18 group of individuals. They have lived in poverty. They
19 know what it's like. We have helped them with home
20 energy
21 assistance, as I said, as well as other programs.

22 They have been fortunate to be able to find a
23 new source of economic opportunity. And I believe that
24 they would make good neighbors. The whole Kumeyaay
25 tribe, they are really good folks from what I've seen.

1 The next thing I'd like to talk about is jobs
2 and employment. As you know, here in the Imperial
3 Valley we do really good in the summer having record
4 heat, and we also have record unemployment pretty much
5 all year round. What I see, the opportunity here, is --
6 was mentioned before, is to bring a Viejas-type center,
7 not just gaming, but a restaurant, a hotel, outlet
8 stores, sources of entertainment to the Imperial Valley,
9 which will not only provide the construction jobs, but
10 it will allow the valley to have a consistent employer.

11 I've spoken to some of the folks at Viejas
12 about training programs. I know they are interested in
13 providing training here, which would really help the
14 valley. I do know that the local training, the web, and
15 other entities, are looking now at a new strategy of
16 training people for jobs that exist rather than training
17 people for jobs that might exist. And I think the jobs
18 are pretty well-defined.

19 Not only does it create employment, which we
20 dearly need and would impact a lot of households, it's
21 an opportunity, as was mentioned before about the lady
22 whose daughter she hopes to have as a chef, where they
23 will be able to have a career in the valley that they
24 don't have today. That opportunity isn't there.

25 The other thing I'd like to talk about is

1 Michael Bracken and I wrote the economic development
2 strategies for the Imperial Valley. In that, a
3 consistent issue time and time again was quality of
4 life. We would ask people, "Why would you leave the
5 valley, especially during August?"

6 "I'm going to the beach in San Diego. I'm
7 going to cool off." One lady said she goes up to Palm
8 Desert to go to the spa.

9 VAL THOMAS: Sir, could you wrap it up for us?

10 THOMAS TAPUZAS: Okay. Sure can.

11 And I think what this opportunity would be,
12 provide us with shopping, with entertainment, and would
13 be something that all the people of the Imperial Valley
14 could appreciate and enjoy.

15 Thank you very much for your time.

16 VAL THOMAS: Thank you, sir.

17 Do we have anyone else who would like to speak?
18 Please come up, sir -- or ma'am.

19 EVELYN SEPIN: My name is Evelyn Sepin,
20 S-e-p-i-n. My address is Post Office Box 391, Ocotillo.

21 I've listened to the comments both positive and
22 negative from the audience and our politicians. I've
23 been involved with Indian gaming and the development of
24 the process since the very beginning. I also have long,
25 strong familial ties to those on reservations throughout

1 San Diego County. I have witnessed firsthand the
2 impressive response by the tribes to not only provide
3 for the future needs of their band members, but also the
4 impressive amount of charitable contributions they have
5 made to Southern California.

6 They have planned ahead for their members to
7 become educated and to be able to work within their
8 economic development programs, to the extent that they
9 are rewarded for taking classes and excelling and
10 graduating from higher learning institutions.

11 I heard someone say that all they had read
12 about these programs were negative. I take exception to
13 that opinion in that I have seen the growth of our
14 native population who have gained economic independence.
15 They are becoming educated. They are living healthier.
16 They are interacting with those off the reservations.

17 Remember, ladies and gentlemen, these people
18 were put on reservations and denied those things the
19 white man went to enjoy every day, in back country
20 reservations where there was no public transportation.
21 The Indian solution when I first went into the work
22 force in 1954 -- and I know this from having worked in
23 the county physician's office in San Diego -- was to
24 remove all young children -- babies, actually -- by the
25 age of two months from the reservation and relocate them

1 into homes in the urban areas.

2 For them to have been denied access, so many of
3 them, to their own families, to maintain their
4 culture -- I'm sorry. They have been very giving.
5 Viejas in the first two years of their development gave
6 back to 123 charitable organizations in San Diego
7 County.

8 Thank you.

9 VAL THOMAS: Thank you, ma'am.

10 Would you like to speak? No.

11 Anybody else?

12 MIKE CASTILLO: Good evening. My name is Mike
13 Castillo. I'm a Calexico resident, Board of Trustees in
14 Calexico.

15 I think just two things I want to just mention
16 as we've heard and listened to multiple speakers
17 tonight. One, yes the district of Calexico has
18 unanimously agreed to support the City of Calexico with
19 the casino and the initiative that we're discussing
20 tonight. And that, of course, would be a positive
21 benefit for the district in the sense that resources
22 would return to the district in support of the children,
23 the programs for the 9,100 students in the district.

24 The second thing I want to mention is there's
25 been a lot of discussion about different topics, but the

1 recreational piece that has been touched upon is also
2 really a benefit for the community and for the children.
3 Citizens in Calexico have asked for additional
4 recreational activities, and this proposal, this
5 partnership, between the City of Calexico and the tribe
6 would in return provide funding for additional
7 entertainment and recreational opportunities.

8 The school district with the City, there may be
9 opportunities for joint use partnerships to construct or
10 work together on joint use facilities for recreation,
11 entertainment, libraries was mentioned. So I do see two
12 benefits from the standpoint of the educational
13 community, the partnership and the support of the
14 district for the City of Calexico as we enter into this
15 agreement and recreational activities for the community,
16 for children and adults.

17 Thank you.

18 VAL THOMAS: Thank you, sir.

19 Do we have anyone else?

20 Okay. We do have time, so if there is anyone
21 else who spoke earlier who feels that they would like to
22 speak again, please come on up.

23 We have one here. No one?

24 We have a new one. We'll take you first, sir.

25 Mr. Robert Williams?

1 ROBERT WILLIAMS: Yes. I'm Robert Williams. I
2 live in El Centro at 2779 West Main Road.

3 I have known Mr. Leimgruber for a long time,
4 and I agree with his concerns he has of bringing a
5 casino in here. I am very much in favor of any industry
6 that comes into the valley. I think it's really healthy
7 and good for bringing people, jobs, and opportunities
8 here in the valley.

9 But a casino seems to be a negative industry in
10 which it takes money out of people's pockets and puts it
11 into people's -- as well as a casino, I understand it
12 helps the Indians, but it also takes land out of the
13 property -- of the tax base of the county and prevents
14 them from being able to get an increase. It sounds like
15 what you got there, it doesn't say anything there about
16 \$2,000,000. There's no -- it doesn't sound like there's
17 any clause in there for increasing it over a period of
18 time as revenues increase. There's nothing there to
19 benefit the county or the -- or even the City of
20 Calexico. And this way I don't know what the
21 arrangements are for the police and for safety are, but
22 I know that you will have some problems from anything
23 like a casino.

24 Other than that I would like to say that I
25 think that there should be greater concern or thought

1 into increasing the amount of money that comes into
2 the -- from the casino into the county to offset the
3 negatives that they will create both in safety as well
4 as in the loss of revenue and the increase in the needs
5 of the county, particularly with the need of people
6 becoming addicted to gambling. This happens every place
7 that gambling comes in. I don't see -- it will happen
8 here just as well.

9 Thank you for your time.

10 VAL THOMAS: Thank you, sir.

11 We have some new folks who just showed up.

12 Would you like to speak?

13 A. K. BONHAM: I'd love to. I'm sorry about
14 the time. We thought we were getting here early.

15 VAL THOMAS: No problem, ma'am. You have
16 plenty of time.

17 A. K. BONHAM: The paper told everything except
18 the time and the place.

19 I'm Mrs. A. K. Bonham from Holtville,
20 California. And I have worked with children during the
21 entire 43 years that I have lived in the Imperial
22 Valley. I love Imperial Valley. I love the fact that
23 we're not one town or another town, but that we have
24 friends and tradespeople in every town and that we feel
25 that we're a whole. We're not one against the other,

1 but we are a valley. And I feel real strongly that we
2 must keep this cohesiveness.

3 I'm so proud of the people that have come
4 before us and the sacrifices they have made. I'm proud
5 of the children that I have seen grow up and become
6 effective citizens and leaders in our valley. But I'm
7 very disturbed. And I do love Indians. My husband and
8 I were missionaries to the Indians in Southern
9 California under the Southern Baptist Hospital Mission
10 Board. I love all people because we've worked with many
11 other groups. But most of all I love children.

12 And I see us giving away of a part of our
13 country to a group who do not have to answer to us in
14 any way. And I see us giving away a large section. I
15 couldn't believe it when I saw what a big chunk of our
16 Imperial Valley was being considered in this deal.

17 I know how children are, especially our
18 teenagers. I've seen my children and grandchildren and
19 my friends and the students I've taught as they have
20 reached young teens and they went across to Mexico to
21 have a fling. I think if we put the casino here and
22 it's got all this land, I think part of that land will
23 go far to make many things that will be detrimental to
24 our children and they will not have to go to Mexico to
25 get the fun and excitement.

1 I think human nature being what it is, I think
2 there will be hotels, motels, all kinds of things to
3 titillate and things of ill repute that will get our
4 children and their money and their attention. And I
5 think it will be -- I think that in the same way that
6 Judas betrayed the Lord, I think that the supervisors
7 would be betraying us and our former people that started
8 this valley if we gave away this big chunk of land and
9 had no say over what was going to happen to our children
10 and the ones that would come after us.

11 VAL THOMAS: Thank you, ma'am. I appreciate
12 that.

13 Do we have any other speakers?

14 JACK TERASES: I really wasn't going say
15 anything, but I guess I have to. My name is Jack
16 Terases. I live at 1732 West Brighton, El Centro.

17 The only real concern that I have that I would
18 like to address has to do with traffic. I had the --
19 I've been involved with quite a few projects that I've
20 developed over the years. One of the projects that I
21 was deeply involved with was the IV Mall. And,
22 unfortunately, it was part of a project that has never
23 been completed to this date. The mall has been open for
24 four years.

25 What I'd like to offer is that somehow we hold

1 Caltrans to the fire as far as their production
2 schedules. In all the development projects I've been
3 involved with, it seems like Caltrans seems to work on a
4 different schedule than everybody else. And
5 unfortunately -- I've taken a look at the scope of the
6 project, and it's quite big.

7 And I think it's been mentioned quite a few
8 times tonight as far as the effects that it can have,
9 especially in that area. There will be a lot of
10 traffic. I think risking it -- because of the mall, we
11 still to this date do not have 111 on McCabe Road. And
12 it creates traffic in other areas, specifically Heber,
13 Dogwood Road. There are areas that haven't been able
14 the relieve congestion because of Caltrans' schedule,
15 different schedule than everybody else. And I see it
16 day in and day out in different projects.

17 Somehow I would like to -- I don't know if they
18 have been to the table at all, the prior commitment
19 schedules and the prior agreements and MOUs that have
20 transpired, but somehow they manage to get away with
21 having their own schedule. We need to hold them to the
22 fire.

23 Somehow maybe we can hold this project and say
24 the project is not going to move forward until Caltrans
25 has opened whatever they are responsible for, because

1 day in day out they seem to hold their own schedules.

2 I guess it's a pet peeve, but it really
3 bothered me to this date -- we're looking at four years
4 since the mall opened -- one of the biggest
5 responsibilities that they had, they have yet to come
6 through with it.

7 So I would just like to have that for the
8 record, that somehow we hold Caltrans -- and I should
9 say the County also because there's going to be some
10 County issues here and some City issues -- that they be
11 considerate before the project opens that those other
12 key issues are dealt with and that they're ready to go.

13 Thank you.

14 VAL THOMAS: Thank you, sir.

15 Do we have another speaker? Come on up, sir.

16 ROBERTO GUTIERREZ: A continuation.

17 A couple months ago it came out that for the
18 valley to really develop we need people who are
19 educated, college education, technical education.

20 If we're losing money because people are
21 spending their money in gambling, we're losing it
22 because we're using all the services to cater to these
23 people, then there won't be more people who are
24 educated.

25 Let's take Mexicali. They have about 14, 15

1 universities. They are bringing in universities. They
2 are bringing in industry. That's what our leaders have
3 to do, bring in fresh money, fresh industry for our
4 people. That's a school.

5 And, well, the second -- Okay. How many of you
6 here in the audience or people I'm talking to believe
7 they have a closer tie to God than pastors and the
8 people of faith? Now, I could assure you that 99
9 percent of the people, Catholic, Baptist, charismatic,
10 et cetera, the people and the pastors have voted no.
11 They have voted no. Politicians, can you go against
12 people of faith?

13 Please, and we have a group of gentlemen who
14 just came. I'm not doing it because they came, but they
15 can tell you what addiction does. So you go and ask
16 your pastors, ask your priests if they are for gambling.
17 I'm not talking about bingo. Okay? I'm talking about
18 gambling, gambling with your life, your earnings, your
19 family.

20 Thank you.

21 VAL THOMAS: Sir, could you state name again?

22 ROBERTO GUTIERREZ: Roberto Gutierrez, citizen
23 of Calexico, and I was part of the committee against
24 Measure N.

25 VAL THOMAS: Thank you, sir.

1 Okay. Mike Neciak.

2 MIKE NECIAK: My name is Mike Neciak. I am the
3 pastor of the Church of the Redeemer in Brawley,
4 California. I've been a pastor there for 32 years.

5 And we operate a center for rehab for men and
6 women coming off of substance abuse. And I can attest
7 to the fact that gambling is a big part in contributing
8 to keep them going into the drugs and everything and
9 that the destruction that is brought upon the families,
10 the breakup of the homes, breakup of the marriages, the
11 violence.

12 We -- like I said, I've been here 32 years.
13 And we've had families, individuals, husbands, wives,
14 with children coming to our center from the Indio area,
15 from the Yuma area, from the San Diego area, people
16 whose lives have been broken because of addition to
17 gambling.

18 A lot of times we put up front the need of
19 jobs. The reason for the casino is to provide jobs.
20 But I think we need to look at the flip side. What
21 about those people that lose jobs, lives, marriages,
22 relationships because of gambling. What is being done
23 on that end of it?

24 I remember a few years ago when Las Vegas
25 started advertising throughout the valley and the

1 different shows that they show. One of their main
2 spokesman, who was the head of the City of -- what do
3 you call it -- of Las Vegas, he said something. He
4 said, "In Vegas everything is fixed so that you lose and
5 we win."

6 Now, people think they are going to make money
7 by going gambling, but the opposite is the truth. And
8 we, as ministers, as a brother up here said -- we deal
9 with the victims of the addiction. There's a lot said
10 about jobs, about the streets, about the land and
11 everything.

12 My business is souls. And it beguiles me to
13 see how -- we already have four or five casinos one hour
14 north of us. We have four or five casinos west of us.
15 We have four or five casinos east of us. And we're
16 going to put one right here. I mean, the damage that
17 there is that we've seen on the spiritual side, that the
18 souls of people is being lost, not just in the sense --
19 spiritual sense like we as ministers see it, but people
20 are lost just to get that high, just to get that -- to
21 feel that urge of sitting there at a machine, which they
22 sit there many times for hours and hours, sometimes two,
23 three days without even sleeping, staying in the casino.
24 These are the things that I attest to.

25 So I think to me, yes, it's a concern of land.

1 It's a concern of jobs. It's a concern of different
2 types of impacts. But the greatest impact and the most
3 negative impact is the destruction of the individual,
4 the soul of the person, the marriages, the children who
5 have been totally neglected. I have pastor friends who
6 are pastors in the Indio area --

7 VAL THOMAS: Sir, could I ask you to wrap it
8 up?

9 MIKE NECIAK: Okay. Yeah.

10 I have friends, pastor friends, in the Indio
11 area who were pastors there before the casinos came in
12 and after the casinos. And I have not heard one
13 positive report.

14 Thank you.

15 VAL THOMAS: Thank you, sir.

16 Is there anybody else who would like to speak?
17 This is your opportunity to give public testimony.

18 RALPH GARCIA: Hello. My name is Ralph Garcia.
19 And I'm assistant director at New Creations. And what
20 the gentleman was saying earlier I believe is exactly
21 right because for over 39 years I was caught up -- well,
22 say 20, because when I was a young man I started messing
23 around with drugs like when I was 15. But the whole
24 thing is that, as I got older and as I got more involved
25 methamphetamine it just intensifies everything.

1 And then when you go and gamble you get all
2 caught up in going there, it just makes it more -- you
3 don't really think it's -- not just people like me. Now
4 I'm changed. I'm not the same person no more. But
5 there's other people. There's businessmen. There's
6 people that are in high places that get caught up in the
7 same thing. And it eventually -- gambling and drugs and
8 everything, and it just makes this whole society -- I
9 don't understand why Imperial County can't just say no.
10 Just say no. Let's be different than everyone else.
11 Let's stand up and have a place that our children and
12 our children, grandchildren, and children can grow up in
13 a good environment, that they are able to become
14 productive citizens.

15 Because you don't need a casino to have people
16 bring in drugs. Drugs are coming in no matter what. We
17 have a big old mess without casinos. The casino -- I
18 used to go to Yuma. I ended up getting caught up in a
19 casino doing crazy stuff because I was all messed up.
20 And it didn't help, and it intensifies it. Like I say,
21 doing the drugs intensifies it. You think you are going
22 to win, but you are not winning nothing.

23 Addiction is -- addiction is even addicted to
24 being addicted to drugs or being addicted to gambling.
25 It's an addiction. I deal with that all the time.

1 That's what I do. And there's got to be a greater hope.
2 I know in my heart my hope is Jesus Christ. But, you
3 know, that I believe is for everyone. Maybe not
4 everyone agrees with me, but that's okay. But opening a
5 casino is not going to help Imperial County to get
6 better financially. That's not going to help
7 whatsoever.

8 Thank you.

9 VAL THOMAS: Thank you, sir.

10 Do we have anybody else.

11 ROSIE YAMAS: Good evening my name is Rosie
12 Yamas. I'm an El Centro resident. I'm here tonight
13 because I am a Christian. And I totally oppose this
14 casino here in Imperial County.

15 I don't see how it would benefit our valley at
16 all. We have children. We have families. We are a
17 wholesome valley. We are wholesome. We have Mexicali
18 that brings drugs here. Why do we want somewhere that's
19 just going to be more destructive to our valley, where
20 we're going to be free to go -- the people who don't
21 know Jesus will go in there, lose their money, come home
22 to their children and say, "I'm sorry. I don't have any
23 lunch money to give you." "I'm sorry. I can't clothe
24 you this month." Why? Because Mom and Dad don't have
25 no self-control. It does happen out there.

1 it just shakes me up, and I wish that people
2 would just see the flip side of it like the pastor said.
3 We have to open our eyes to what it is, what the
4 destruction will come, because it will come. It's going
5 to be a huge devastation for our families, marriages,
6 youth, finances, everything, business. We're
7 struggling. We're in a recession they say. What are we
8 looking for? Problems. We're looking for problems.

9 But when you are a Christian and you have God
10 on your side, you just try -- like you go out there and
11 you try to win souls for Jesus because that's our job as
12 Christians. But I'm asking you, please, please -- I'm a
13 parent. I have four children that grew up in Imperial
14 County, and they are healthy children. I would hate to
15 see my grandchildren and my generation grow up in the
16 grief stricken area because we allowed a casino in
17 Imperial County. And that's nothing against any race,
18 other than it would hurt. It would hurt our valley, our
19 wholesome, beautiful, Imperial County.

20 And I thank you.

21 VAL THOMAS: Thank you, ma'am.

22 PAT DRAINBO: Hello. My name is Pastor Pat
23 Drainbo. I live in Imperial. I'm a pastor of a church
24 in El Centro.

25 My wife I met and married in Gulfport

1 Mississippi. I met her before casinos came in along the
2 gulf port of Mississippi. We moved away. Recently I
3 went back home to visit my mother-in-law and
4 father-in-law. My father-in-law told me, "You need to
5 go to this really good restaurant at this casino, all
6 you can eat on a seafood buffet." And I love seafood,
7 so we went over there.

8 And when I went into the men's room to wash my
9 hands, there was a man crying there. He -- I said, "Are
10 you okay?"

11 And he said, "Oh, I'm in some big trouble."

12 I said, "What's wrong?"

13 He says, "I went out to get groceries, and I
14 spent all my money here. How can I go back home to my
15 wife? I don't know what to do." He was splashing water
16 on his face.

17 So we went back to the table, and I was eating
18 there, and I was talking to my mother-in-law law. She
19 says, "You don't know nothing." She says, "My co-worker
20 came back to work troubled. And she said they had a
21 home equity line of credit at their local bank against
22 their home that they write checks on. And in a matter
23 of three months-time her husband, without her knowledge,
24 was drawing money against the home equity line of
25 credit. \$40,000 was put against their home in a matter

1 of three months. That was two years of her salary that
2 was eaten up in compulsive gambling over a few months,
3 without even her knowledge. She was devastated. They
4 saw counseling and everything, but it was still there."

5 It impacts -- our church gives out food pantry
6 to the homeless in our community. I can see a greater
7 impact on our local churches as we're going to have
8 people who have spent their money gambling at the casino
9 that are going to be coming to the local churches for
10 help from our food pantries and everything else.

11 All this money they say is going to go back to
12 our schools and go back to our community, these millions
13 of dollars that they are promising Calexico and Imperial
14 Valley, this money is coming from the pockets of the
15 very poorest people, the people who cannot afford to
16 lose this money.

17 It's going to come out of little shop owners.
18 It's going to come out of all these local businesses.
19 It's going to come out of -- families are not going to
20 to that new Brunswick Bowling Alley because they spent
21 their money at the casino. It's going to take away.
22 It's going to put a devastating impact on the community.
23 That's all I have to say.

24 VAL THOMAS: Thank you, sir.

25 Do we have any other speakers?

1 MONICO: Good evening. My name is Monico. I
2 am -- recently I'm living at New Creations. But I come
3 from the Coachello Valley, where 15 years ago casinos
4 were starting to be built there. Now maybe there's six
5 casinos.

6 And I used to be a drug addict. The female
7 that I lived with was also using as well. We started
8 going to a casino maybe once a weekend, once a week,
9 twice a week. To make a long story short, we ended up
10 selling all our furniture. We lost the houses, moved
11 one place to another, because for the fact that we went
12 to a casino. We sat and we played. We played. We
13 started with the penny machine, the nickel machines.

14 Next thing you know you win something over \$500
15 and that's a rush, because you are never going to get
16 tired of it. Who's going to get tired of winning? You
17 don't mind losing. You Keep losing, losing, losing,
18 then you win. It's a high. "I'll double my money."
19 But it never happens like that. You just lose, lose,
20 lose, lose.

21 A casino never closes. It's open 24 hours.
22 It's like the devil's playground. It invites anybody.
23 If you are 21 years or older, you can come in anytime
24 you want, as long as you have money. I've seen people
25 walking about with no money asking for money, people who

1 are hurting for drugs, meth people who had a lot of
2 things, they lose everything, and they come out and
3 commit a crime so they can have more money to go back to
4 the casino.

5 It's going to give jobs to people, to the
6 citizens of Calexico, the Imperial Valley. The casino
7 hires maybe 15 percent of humans, and the rest are
8 machines. Machines never call in sick. They are there
9 to take your money, little sounds to excite you. But
10 they're just right there for you. Every second the
11 casino making money.

12 The amount the casino makes per second, I don't
13 even want to think how much it would make because casino
14 won't let you know that. They will even send you
15 brochures in the mail to become a member. "We'll let
16 you play 10, \$20 a month," as long as they keep you in
17 there in. But the more you win, the more you want to go
18 back to the casino.

19 That's what happened to me. And the
20 relationship I had with my girlfriend, it ended because
21 of that, because she went out of control. I managed to
22 stop. With the grace of God, I am now straightening out
23 my life.

24 But I know one thing a casino is going to bring
25 here, it's going to increase here, is the crime rate,

1 definitely, because of what a drug addict does when he
2 loses a little bit of money he had or the only money he
3 has. When he needs more money for more drugs, more
4 casinos. They are going to do whatever it takes to get
5 more money.

6 That's all I have to say.

7 VAL THOMAS: Thank you, sir.

8 Anybody else?

9 UNIDENTIFIED SPEAKER: Real jobs. Real jobs.
10 Real jobs.

11 VAL THOMAS: I would ask everybody please
12 respect everybody's opinions and let us listen to each
13 other. Thank you.

14 RAMONE LOPEZ: Hello. My name is Ramone Lopez,
15 and I'm a resident of Imperial Valley. I'm a student at
16 New Creations. And I have family members, brothers that
17 are addicted to gambling.

18 They don't know it, because they can't see it,
19 but I can see it, building this casino will rise an
20 increase in drug addiction, prostitution, crime, and
21 possibly families being destroyed, college students
22 dropping out because they get addicted to gambling.

23 I was addicted to drugs once, but by the grace
24 and love of my Lord Jesus Christ I was saved from that
25 life of addiction. And like any addiction, it starts in

1 your mind and it calls to you. Building a casino is
2 only going to be there. and for people trying to stop,
3 it's going to calling to them every time they either
4 drive by or see it.

5 I believe by building this casino it's only
6 going to destroy lives, young lives. Youth is already
7 caught up in drugs and all kinds of messes. A casino is
8 only going to fuel that destruction. There's no telling
9 in the years to come what will happen by having a
10 casino, what the future and lives of our youth will be.

11 Thank you.

12 VAL THOMAS: Thank you, sir.

13 Anybody else.

14 SKY AIMS WORTH: One last thing that I'm just
15 thing about. Sky Aims worth again.

16 Concerning all the negative stories of gambling
17 addiction and problems like that, since the Imperial
18 Valley has two main sources of, you know, commerce
19 coming in for people going to the dunes and people going
20 to Mexico and the snow birds coming in the summer -- or
21 during winter I mean -- having that casino could
22 negatively impact those business, maybe by a small
23 margin. But I'm hoping that is also taken into
24 consideration, because, as indicated, there is a
25 negative stigma attached to casinos. And so that could

1 affect some businesses that are not related immediately
2 to the casino.

3 VAL THOMAS: Okay. Thank you, sir.

4 Do we have anyone else?

5 Okay. If we don't have any other folks who
6 would like to come up and speak, that would conclude
7 this public scoping meeting of the Manzanita Band of
8 Kumeyaay Indians Fee-to-Trust Land and Casino Project.
9 Thanks for your participation and good night.

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1 State of California)

2)

3 County of Imperial)

4

5

6 I, Monica Rae Savercool, certified shorthand
7 reporter, County of Imperial, State of California, do
8 hereby certify:

9 That I reported in shorthand the testimony and
10 proceedings held in the foregoing cause on the 27th day
11 of April 2008; that proceedings were reported
12 stenographically by me and later transcribed by computer
13 under my direction; that the foregoing is a true record
14 of the proceedings taken at that time.

15 In witness whereof, I have subscribed my name
16 this 21st day of April 2008.

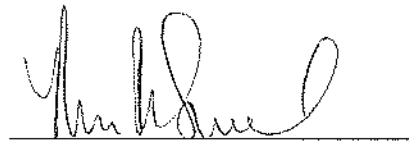
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21



22

Monica Rae Savercool

23

C.S.R. No. 8004

24

25

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Vicor Canale

Name:

Representing: County of Imperial
District of California

Address:

940 W. Main St.
El Centro

Phone:

(760) 427-5356

Fax:

E-mail:

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Cynthia Murado

Name:

Representing: Pacific United
School Dist.

Address:

540 Taylor

Phone:

357-1050

Fax:

E-mail:

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: Ricardo Ortega ✓

Representing: self

Address: 429 Sherman

Calaxico, CA 92231

Phone: 357-7224

Fax: 357-7224

E-mail: veartega@prodigy.net

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: Mary Range L-Ortega

Representing: Self

Address: 429 E. Sherman St

Calexico CA 92231

Phone: 760-357-7224

Fax: _____

E-mail: Maryrangeortega@galoo.com

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: John Moreno

Representing: A CITIZEN OF

CALIFORNIA

Address: 1265 Rancho FORTA

CALIFORNIA

Phone: 357-2102 / 455-8692

Fax: _____

E-mail: johnymoe1960@gmail.com

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: John Hernandez

Representing: Our Roots & Multicultural

City

Address: 514 J Street

Brawley, CA

Phone: (760) 427-9111

Fax: _____

E-mail: mjd1006@sbcglobal.net

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project
Public Scoping Meeting
March 27, 2008

Request to Speak

Name: Gilbert Geigala

Representing: Taxpayers City of Calexico

Address: 1217 Ross St
Calexico

Phone: 734-9618

Fax: Postmaster
Calexico

E-mail: gbgeigala@sbglobal.net

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project
Public Scoping Meeting
March 27, 2008

Request to Speak

Name: DAVID GROESBECK

Representing: CALEXICO USD

Address: 901 ANDRADE AVE
CALEXICO, CA 92231

Phone: 760 768 3888 x 3003

Fax: _____

E-mail: davig@calexico.k12.ca.us

*Calexico Unified School Dist.
Christ?*

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name:

FRANK TOZWIAK

Representing:

Quackam

Address:

John J. Quackam

Phone:

206 386 5200

Fax:

E-mail:

f.tozwia@msaj.com

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name:

Louis Wong

Representing:

Yum Yum Rest.

Address:

845 Imperial Ave,

California CA. 92231

Phone:

760-357-6007

Fax:

E-mail:

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: Daniel Romero

Representing: Resident City of Calexico

Address: 800 Houserider St
Calexico

Phone: 422-6828

Fax: —

E-mail: DS7Romero@yahoo.com

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: Roberto Gutierrez

Representing: Calexico

Address: 1225 Rosas St
Calexico

Phone: (760) 357-6030

Fax: —

E-mail: rogutierrez@sbcsbcglobe
us

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: Sky Ainsworth

Representing: Self / Clean Air Initiative

Address: 2451 Hamilton Ave

Phone: 352-6769

Fax: _____

E-mail: Sky_ainsworth@hotmail.com

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name: Angelice Duenas

Representing: CALEXICO Citizen

Address: 770 Acuna

CALEXICO

Phone: (760) 768-1501

Fax: _____

E-mail: _____

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name:

Thomas Tapuzas

Representing:

Address:

367 S. Haskell Dr.
El Centro, CA

Phone:

760-802-4737

Fax:

761-353-9321

E-mail:

tapuzas@tribe-nv.com

Chairman, Folsom FVBC

Bureau of Indian Affairs

Manzanita Band of Kumeyaay Indians Fee-to-

Trust Transfer and Casino Project

Public Scoping Meeting

March 27, 2008

Request to Speak

Name:

Robert W. Williams

Representing:

Address:

2779 West Main Street
El Centro CA, 92243

Phone:

(760) 337-8828

Fax:

E-mail:

Bureau of Indian Affairs
Manzanita Band of Kimeyaay Indians Fee-to-
Trust Transfer and Casino Project
Public Scoping Meeting
March 27, 2008

Request to Speak

Name: Mike Neciak

Representing: EL Redentor-Church

B

Address: 305-N. 9TH ST

Brly, CA. 92227

Phone: 760-344-0290

Fax: Same

E-mail: el Redentor Church @ S.R.C
Global.net.

APPENDIX C

Public Meeting Comment Cards

**MANZANITA BAND OF THE KUMEYAAY INDIANS FEE-TO-TRUST AND CASINO
FACILITY/HOTEL PROJECT EIS RESULTS OF SCOPING
List of Speakers, Comment Cards, and Letters**

COMMENT CARDS		
Comment Number	Name	Affiliation
1	Sergio Rojas	Amistad Familiar A.R.

SPEAKERS		
Speaker Number	Speaker	Affiliation
1	Wally Leimgruber	Fifth District Supervisor of Imperial County
2	Victor Carrillo	First District representative
3	John Renison	Mayor, City of Calexico
4	Enrique Alvarado	Board of Trustee, Calexico Unified School District
5	Ricardo Ortega	Resident, City of Calexico
6	Mary Rangel-Ortega	Resident, City of Calexico
7	John Moreno	Resident, City of Calexico
8	John Hernandez	Our Roots Multicultural Center representative
9	Gilbert Gejalva	Resident, City of Calexico (past Mayor)
10	David Groesbeck	Chief Business Official, Calexico Unified School District
11	Frank Jozwiak	Attorney, Quechan Indian Tribe and Indian Reservation
12	Louis "Louie" Wong	Merchant, seat of Calexico
13	Daniel Romero	Resident, City of Calexico
14	Roberto Gutierrez	Resident, City of Calexico
15	Sky Ainsworth	Resident, City of El Centro
16	Angelica Duenas	Resident, City of Calexico
17	Thomas Tapuzas	Resident, City of El Centro
18	Evelyn Sepin	Resident, Ocotillo
19	Mike Castillo	Resident, City of Calexico (Board of Trustees in Calexico)
20	Robert Williams	Resident, City of El Centro
21	A.K. Bonham	Resident, Holtville, California (Imperial Valley)
22	Jack Terasas	Resident, City of El Centro
23	Mike Neciak	Pastor, Church of the Redeemer, Brawley, California
24	Ralph Garcia	Assistant Director, New Creations
25	Rosie Yamas	Resident, City of El Centro
26	Pat Drainbo	Resident, Imperial (Pastor of church in El Centro)
27	Monico	Resident, New Creations
28	Unidentified Speaker	Unknown
29	Ramone Lopez	Resident, Imperial Valley

COMMENT LETTERS			
Letter Number	Name	Affiliation	Date
1	Monica Soucier	Imperial County Air Pollution Control District	3/24/08
2	Jurg Heuberger, AICP	Imperial County Planning & Development Services	3/25/08
3	Michael Leonard (?)	Resident	3/26/08
4	Victor M. Carrillo Supervisor, District 1	County of Imperial Board of Supervisors	3/27/08
5	Wally Leimgruber Supervisor, District 5	County of Imperial Board of Supervisors	3/27/08
6	Mary Rangel Ortega	Resident	3/27/08
7	Jim Shinn, LCSW	Resident	3/28/08
8	Frank R. Jozwiak	Morisset, Schlosser, Jozwiak & McGaw (Attorneys for the Quechan Tribe)	4/3/08
9	Jacob Armstrong	State of California, Department of Transportation, District 11	4/4/08
10	Carmen Durazo	City of Calexico, Mayor Pro Team	4/7/08
11	Trevin E. Sims	Lozano Smith (Legal Counsel for Calexico Unified School District)	4/7/08

Comment Form

**Bureau of Indian Affairs
Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and
Casino Project
Environmental Impact Statement**

PUBLIC SCOPING MEETING

March 27, 2008, 6 pm

On the lines provided below, please list those environmental issues or concerns you feel need to be addressed in the Environmental Impact Statement (EIS) for the Calexico Casino Project. Please be as specific and detailed as possible so that the EIS may address all of your concerns or issues. If necessary, please attach additional pages. Once completed, please submit your written comments to: Amy Dutschke, Acting Regional Director, Pacific Regional Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825. Your comments must be postmarked by **April 7, 2008**. (please print legibly)

Please see attached

Submitted by (please print legibly):

Name: Sergio Reyes	Agency/business/group name (if applicable): Amy Dutschke
Address: 1290 M. Street	Phone number: 760 383 6729
City/state/zip: Calexico Ca 92231	Date:



AMISTAD FAMILIAR AR.

Mexicali, B.C. a 27 de marzo del 2008
Nta. Ref. 038/08

**EDIFICIO DE SERVICIOS DEL CONDADO
A QUIEN CORRESPONDA
PRESENTE:**

Con base a la propuesta de ubicar casinos legales en la ciudad de Calexico, California, nosotros **AMISTAD FAMILIAR, AR**, nos mostramos en total desacuerdo con respecto a esta iniciativa de ley, por las siguientes razones:

1. Las apuestas legales causan adicciones (cuando un casino está cerca de una ciudad, ésta cae en riesgo de aumentar hasta un 90% su población de personas con adicción a las apuestas)
2. Causan enfermedades de estrés, cáncer, depresión, histeria, etc.
3. Las declaraciones de bancarrota se duplican cuando una persona es adicta a las apuestas legales y vive cerca de un casino
4. El hecho de tener pérdidas económicas lleva a las personas a incurrir en un mayor grado a actos delictivos como: robo, robo con violencia y fraude
5. Cada jugador compulsivo le cuesta al Gobierno \$14,000 y \$22,000 por año, ya que destruyen otros empleos en el área cercana al casino y elimina las contribuciones de los impuestos sobre las ventas, empleos y propiedades
6. Desgraciadamente al presentarse los factores anteriores en la persona, existe entre un 20 y 30% de posibilidad de suicidio, debido a las pérdidas económicas
7. Y finalmente, las apuestas legalizadas no hacen que disminuyan las apuestas ilegales, en casos pueden hasta aumentar ya que ofrecen mejores oportunidades de ganancias, pagos y préstamos que las operaciones legales no ofrecen

Por estos puntos y para evitar la desintegración familiar en muchas familias en la ciudad de Calexico y ciudades cerca de la frontera, declaramos estar total y completamente en contra de los casinos que se pretenden establecer en Calexico, California.

Gracias por su atención, y rogamos a ustedes que antes de tomar una decisión, analicen meticulosamente, cada uno de los puntos antes expuestos, para que se puedan dar una idea de que clase de sociedad tendríamos en Calexico e infraestructura si accediéramos a el establecimiento de estos lugares.

ATENTA Y RESPETUOSAMENTE


LIC. AURELIO J. ARRACHE Y MARIN
PASTOR PRINCIPAL


SR. RAUL ESCAMILLA TAYLOR
PASTOR ADMINISTRADOR

AV. DE LOS LAURELES NO. 1001, FRACC. LOS PINOS - TEL. 568-10-02 Y 568-10-03 FAX: 568-33-53
MEXICALI, B.C., MEXICO C.P. 21230 SGAR/2177/94
P.O. BOX 3440 CALEXICO, CA. 92232 (U. S. A.) (760) 679-0529 e-mail: famicel@prodigy.net.mx

APPENDIX D

Comment Letters

**MANZANITA BAND OF THE KUMEYAAY INDIANS FEE-TO-TRUST AND CASINO
FACILITY/HOTEL PROJECT EIS RESULTS OF SCOPING
List of Speakers, Comment Cards, and Letters**

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5	Wally Leimgruber, Supervisor, District 5	County of Imperial Board of Supervisors	3/27/08
6	Mary Rangel Ortega	Resident	3/27/08
7	Jim Shinn, LCSW	Resident	3/28/08
8	Frank R. Jozwiak	Morisset, Schlosser, Jozwiak & McGaw (Attorneys for the Quechan Tribe)	4/3/08
9	Jacob Armstrong	State of California, Department of Transportation, District 11	4/4/08
10	Carmen Durazo	City of Calexico, Mayor Pro Team	4/7/08
11	Trevin E. Sims	Lozano Smith (Legal Counsel for Calexico Unified School District)	4/7/08

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Comment Number	Name	Affiliation
1	Sergio Rojas	Amistad Familiar A.R.

SPEAKERS		
Speaker Number	Speaker	Affiliation
1	Wally Leimgruber	Fifth District Supervisor of Imperial County
2	Victor Carrillo	First District representative
3	John Renison	Mayor, City of Calexico
4	Enrique Alvarado	Board of Trustee, Calexico Unified School District
5	Ricardo Ortega	Resident, City of Calexico
6	Mary Rangel-Ortega	Resident, City of Calexico
7	John Moreno	Resident, City of Calexico
8	John Hernandez	Our Roots Multicultural Center representative
9	Gilbert Geijaiva	Resident, City of Calexico (past Mayor)
10	David Groesbeck	Chief Business Official, Calexico Unified School District
11	Frank Jozwiak	Attorney, Quechan Indian Tribe and Indian Reservation
12	Louis "Louie" Wong	Merchant, seat of Calexico
13	Daniel Romero	Resident, City of Calexico
14	Roberto Gutierrez	Resident, City of Calexico
15	Sky Ainsworth	Resident, City of El Centro
16	Angelica Duenas	Resident, City of Calexico
17	Thomas Tapuzas	Resident, City of El Centro

18	Evelyn Sepin	Resident, Ocotillo
19	Mike Castillo	Resident, City of Calexico (Board of Trustees in Calexico)
20	Robert Williams	Resident, City of El Centro
21	A.K. Bonham	Resident, Holtville, California (Imperial Valley)
22	Jack Terasas	Resident, City of El Centro
23	Mike Neciak	Pastor, Church of the Redeemer, Brawley, California
24	Ralph Garcia	Assistant Director, New Creations
25	Rosie Yamas	Resident, City of El Centro
26	Pat Drainbo	Resident, Imperial (Pastor of church in El Centro)
27	Monico	Resident, New Creations
28	Unidentified Speaker	Unknown
29	Ramone Lopez	Resident, Imperial Valley

AIR POLLUTION CONTROL DISTRICT



March 24, 2008

Amy Dutschke, Acting Regional Director,
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way,
Sacramento, CA 95825

SUBJECT: DEIS Scoping Comments, Manzanita Band of Kumeyaay Indians, 60.8-acre fee-to-trust Casino Project, Calexico, California.

Dear Ms Dutschke:

The notice of intent to prepare an Environmental Impact Statement (EIS) for the proposed Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project in Calexico has been reviewed by the Imperial County Air Pollution Control District (Air District). While, the Air District recognizes that "all federal agencies are to prepare detailed statements assessing the environmental impact of and alternatives to major federal actions [which] significantly affect the environment."¹ This project, as described, holds the potential to significantly impact the air quality in Imperial County. Therefore, the Air District is requesting that a Comprehensive Air Quality Analysis be conducted as per the Imperial County CEQA Air Quality Handbook (ICCEQA). NEPA in its most fundamental concept under "section 102 requires federal agencies to lend appropriate support to initiatives and programs designed to anticipate and prevent a decline in the quality of mankind's world environment."²

The Air District's established programs to keep the air in Imperial County from declining is found within the Rules and Regulations of the Air District, the California Environmental Quality Act (CEQA), the most current CEQA Air Quality Handbook for Imperial County, the Air District State Implementation Plans (SIP's) for Ozone and PM₁₀ and the Air District non-attainment status. Currently, the "moderate" non-attainment status for ozone and our "serious" non-attainment status for PM₁₀ are the driving criteria in establishing the thresholds for NO_x, ROG, PM₁₀, SO_x and CO. These thresholds and their significance are explained within the pages of the ICCEQA. Section 6 of the CEQA handbook describes the preparation of the Air Quality analysis for an Environmental Impact Report (EIR) which can also apply to an Environmental Impact Statement (EIS).

The following is a synopsis of the information pertinent to the development of an Air Quality analysis. A **comprehensive Air Quality Analysis** of the construction and operational impacts of the project is required.

¹ NEPA Requirements: <http://www.epa.gov/compliance/basics/nepa.html>

² NEPA Requirements: <http://www.epa.gov/compliance/basics/nepa.html>

A thorough analysis should include a description, impacts and health consequences of all air quality and emissions. The analysis should be conducted using APCD approved modeling factors.³ The analysis should include short and long term emissions as well as daily and yearly emission calculations. Project alternatives should be included along with a thorough emissions analysis. A description of the attainment status, State and Federal, of the Air District is required as is describing any regulatory restrictions to the project. All temporary construction and grading impacts should quantify fugitive dust and combustion emissions and propose mitigation measures. A health risk assessment such as a diesel exhaust screening level should be included for projects anticipating the use of heavy-duty diesel equipment.⁴ As well as, projects locating near already existing facilities with the potential to emit toxics should have a health risk assessment conducted. Typically, these health risk assessments are of a quantitative nature but can be a mixed qualitative and quantitative analysis. In any case, the relative human exposure, location of the project, distance to sensitive receptors all should be considered when developing the risk assessment.

Projects anticipating heavy volumes of traffic should conduct hot spot modeling.⁵ Hot spot modeling will help determine compliance with the state CO standard at intersections and roadway links as determined by traffic impact analysis. In addition, existing and proposed projects must have a cumulative impact analysis. For each sub analysis and risk assessment mitigation measures should be identified, quantified for effectiveness and incorporated into the EIS. All mitigation measures should follow all District Rules and Regulations including the most current CEQA handbook. Consultation with the most recent Clean Air Plans (SIP's), District Rules and Regulations and other Air District approved programs is recommended for effective applicability of standards. When it becomes apparent that on-site mitigation is insufficient to reduce impacts to insignificance then off-site mitigation should be a discussed and appropriately applied. Finally, in accordance with Assembly Bill 32, known as the Global Warming Solutions Act of 2006, a discussion on impacts of Green House Gas emissions is necessary.


All construction sites regardless of size must adhere to the requirements of Regulation VIII, Fugitive Dust Control. This regulation is comprised of six individual rules which combined apply Best Available Control Measures to any size construction or earthmoving activity. One most notable change, aside from the standard of measurement, is the requirement of a dust control plan and notification 10 days prior to the commencement of construction to the Air District. The entire rule book for the Imperial County can be found at <http://www.imperialcounty.net> under "Air Pollution." We encourage all developers, construction companies, cities and interested parties to obtain a copy of the newly proposed Regulation VIII, Fugitive Dust Control. Should you have any questions please do not hesitate to call.

³ Such as using the most current URBEMIS.

⁴ Guidelines and procedures as approved by the California Air Resources Board and the Office of Environmental Health Hazard Assessment (OEHHA)

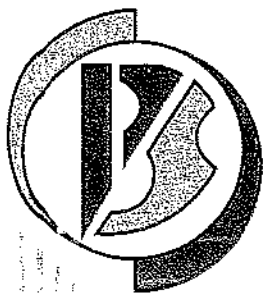
⁵ Using APCD approved hot spot modeling such as CALINE4, developed by and available through the California Department of Transportation.

Sincerely,

A handwritten signature in cursive script that reads "Monica N. Soucier". The signature is fluid and written in dark ink.

Monica N. Soucier
APC Environmental Coordinator

Cc: Mr. Jurg Heuberger, AICP, CEP, CBO
Steve Birdsall, Air Pollution Control Officer
Brad Poiriez, Assistant APCO



IMPERIAL COUNTY

PLANNING & DEVELOPMENT SERVICES

PLANNING / BUILDING INSPECTION / ECONOMIC DEVELOPMENT / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER AICP, CEP, CBO
PLANNING & DEVELOPMENT SERVICES DIRECTOR

March 25, 2008

Ms. Amy Dutschke, Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way,
Sacramento, CA 95825

Subject: Draft Environmental Impact Statement (DEIS), Scoping Comments, for
the Manzanita Band of Kumeyaay Indians 60.8-acre Fee-to-Trust
transfer and Casino Project, Calexico, California.

Ms. Dutschke,

The Imperial County Planning & Development Services Department has reviewed the Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Manzanita Band of Kumeyaay Indians "Fee-to-Trust" transfer and Casino Project. In accordance with the comment period ending April 7, 2008, the Department's initial concerns and comments are as follows:

- 1) Since the project has regional impacts and may, in fact, require mitigation measures or improvement on contiguous or adjacent infrastructure such as roads, highways (SR111), as well as local infrastructure, we request that a combined EIS/EIR be prepared. In this manner, local agencies that may be affected can comply with the California Environmental Quality Act (CEQA), without having to do so again later at their cost.
- 2) The EIS/EIR needs to analyze the green house gas impacts that this project will have in accordance with the Global Warming Solution Act of 2006, also known as Assembly Bill 32, along with the California Attorney General's proclamations. This includes direct impacts caused by the operation of the casino and secondary facilities, along with the indirect impacts caused by the mobile sources of traffic, (public, employees, suppliers). Additionally, the initial construction/development impacts need to be addressed.

- 3) The EIS/EIR will need to prepare a comprehensive traffic impact analysis. The traffic analysis will need to assess the impacts to the full length of the Jasper corridor east and west; impacts to County roads and accompanying intersections within a twenty (20) mile radius including but not necessarily limited to Dogwood Road, Fawcett Road, McCabe Road, Yourman Road, Austin Road, Bowker Road, Pitzer Road, Correll Road, Clark Road, La Brucherie Road, Barbara Worth Road, Cole Road, and Anderholt Road; and the Caltrans road system, SR-7, SR-86, SR-98, SR-111, SR-115, and Interstate 8.
- 4) The traffic impact analysis will have to account for operational activities. This includes not only the weekday and weekend, day and night traffic to and from the casino, but also the proposed hotel, banquet/meeting center, and 10,000 square foot entertainment venue. This project has a significant cumulative impact on traffic and it is critical that the traffic analysis be as comprehensive as possible, and that adequate mitigation be provided.
- 5) The EIS/EIR will need to analyze the impacts caused by the conversion of farmland, both the 60.8 acre site along with the growth inducing nature of the casino project will have on neighboring agricultural lands.
- 6) The EIS/EIR will need to analyze the development of a casino into a community that has not previously experienced one and its impacts, on the community and the greater county area, such as the increase need for police/sheriff services, along with fire and emergency services associated with a large assemblage of people. The issues that come with the casinos, i.e. negative aspects such as crime, gambling addiction, etc., all need to be addressed.
- 7) There is no mention of how the EIS/EIR proposes to address the impacts to neighboring Tribal gaming facilities. One of the core findings for the development of Tribal gaming in California is to improve Tribal economic self-sufficiency, but if it is achieved at the price of other Tribes having their operations possibly eliminated, is it in the best interest of the Native American community as a whole? Under the existing state and federal regulations the Manzanita Tribe receives a share of the Indian gaming revenue generated in the State of California along with other Federal assistance.
- 8) Where is the existing Manzanita Reservation? The project description only states that it is "...50 miles from the Tribe's reservation..."? What is the land size and characteristic of the existing reservation? Why does the Tribe need to locate a casino 50 +/- miles away from its home? How many members of the Tribe are there and do they reside on the existing reservation?

- 9) The EIS/EIR needs to analyze the impacts of off-reservations gaming on an existing urban community. Presently there is no Tribal land nor has there been any significant presence of Tribal members in the area. The proposed project is not like other Tribal gaming projects, for example the Viejas Band of Kumeyaay Indians. Not only is the Viejas Casino located on reservation land, but the Tribe has been a part the Alpine community at large throughout the history of the area. How will the development of, in this case 50+/-miles away from the Manzanita Reservation, work in terms of the Tribal community? How does the Tribe propose to operate the casino?
- 10)The EIS/EIR needs to address the economic costs to local jurisdictions. If this was a private development, it would generate a huge property tax base, so what are the proposed projects' offsets.
- 11)The project EIS/EIR needs to comprehensively address environmental justice.
- 12)The project EIS/EIR must address all service and service capacities and how they will be mitigated by or for the City of Calexico.

If you have any questions, please contact me at (760) 482-4236 extension 4310 or at jurgheuberger@imperialcounty.net.

Sincerely,


JURG HEUBERGER, AICP
Planning & Development Services Director

CC: Board of Supervisors
Robertta Burns, County Executive Officer
Armando Villa, City of Calexico
JP Kennedy, 4350 Arcadia Drive, San Diego, CA 92103
Evelyn Sepin, evelynsepin@imperial.com
Derrell Gardner, Assistant Planning & Development Services Director
Jim Minnick, Planning Division Manager
File 10.105, 10.135

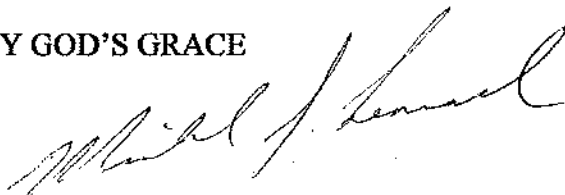
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MARCH 26TH, 2008

TO THE BOARD OF SUPERVISORS AND INDIAN GAMING OFFICIALS
RE: INDIAN GAMING CASINO IN IMPERIAL COUNTY

I THANK YOU FOR THIS OPPORTUNITY TO EXPRESS MY VIEWS AS A CONCERNED CITIZEN AND LONG TIME VALLEY-ITE, FOR THIS PROPOSED GAMING CASINO IN OUR IMPERIAL VALLEY. I AM ONE- HUNDRED PERCENT AGAINST THIS INDIAN GAMING CASINO BEING LOCATED WITHIN THE CITY LIMITS OF CALEXICO, BUT IN OUR IMPERIAL VALLEY. THE NEGATIVE RAMAFICATIONS OF SUCH AN ILL- GOTTEN ESTABLISHMENT IN OUR IMPERIAL VALLEY WOULD BE NON-PRODUCTIVE TO THE HARD WORKING MEN AND WOMEN IN OUR COMMUNITY. NOT TO MENTION THE FAMILIES DEPENDING ON THEM. WITH AN INDIAN GAMING CASINO IN OUR CLOSE VACINITY, SOME WOULD BECOME DEPENDENT OR EVEN HOPEFUL OF REACHING NEEDS AND RESPOSIBILITIES, OF DAY TO DAY LIVING, THROUGH GAMES OF CHANCE, AND WHATEVER OTHER VICES, THAT SNEAK ALONG, UNDER THE DISGUISE OF GAMINING CASINO. HOW MANY WOULD LOSE OR BE ADDICTED TO THE GAMBLING FEVER, FOR A FEW TO BE CALLED WINNERS. IT 'S A DEADLY WAY OF LIFE, PERPETRATED ON OUR IMPERIAL VALLEY, BY THOSE WHO COME BEARING GIFTS AND FALSE PROMISES. THIS AREA IS ONE OF THE LOWEST PAID PERSONAL WAGES, PER CAPITIA, PER COUNTY, IN CALIFORNIA, THIS BUSINESS OF CHANCE, AND GET RICH QUICK SCHEMES, WILL ONLY BECOME A TAJ MA HAL OF FALSE DREAMS AND HOPES, ENDING ONLY WITH THE DEMISE OF OUR PRECIOUS VALLEY LIFE-STYLE AND THE ABILITY TO HELP ONE OTHER, BECOME PRODUCTIVE IN OUR IMPERIAL VALLEY. PLEASE STAY ON YOUR RESERVATION- LANDS WITH YOUR ILL-GOTTED, GAMES OF CHANCE AND VICES THAT COME WITH THIS LIFE STYLE. OUR LIFE CHALLENGES ARE MANY, AND WE ARE CONSUMED WITH DAILY DECISIONS AND RESPONSIBILITES, NOT ONLY FOR OUR LIVES, BUT FOR THE FUTURE GENERATIONS, OF VALLEY-ITES. WE ARE ALREADY SURROUNDED BY INDIAN GAMING CASINOS, TO THE EAST, & WEST, AND TO THE, NORTH, OF THE IMPERIAL VALLEY. WE ARE A DESTINATION POINT, FOR NEW FAMILIES, WANTING A BETTER-QUALITY OF LIFE IN OUR IMPERIAL VALLEY, AND FOR OUR DESERT RESOURCES, NOT BECAUSE WE ARE A SOON TO BE INDIAN GAMING CASINO MECCA. IN CONCLUSION, SIR; I JUST FEEL COMPELLED TO VOICE MY OPINION, ABOUT ONE OF THE MANY IMMORAL VICES, (GAMBLING) THAT EXIST ALL AROUND US, AND THIS IS ONE WE DON'T NEED IN OUR BACK-YARD. 'WHAT ONCE WERE VICES, CAN SOON BECOME HABITS.' THANK YOU.

ONLY BY GOD'S GRACE

A handwritten signature in cursive script, appearing to read "Michael J. Lennard". The signature is written in dark ink and is positioned below the typed name "Michael J. Lennard".

VICTOR M. CARRILLO
SUPERVISOR - DISTRICT 1
940 MAIN STREET, SUITE 209
EL CENTRO, CA 92243



BUS: (760) 482-4309
RES: (760) 357-5476
FAX: (760) 482-4215
E-Mail: victorcarrillo@imperialcounty.net

March 27, 2008

Ms. Amy Dutschke
Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

DEIS Scoping Comments,
Manzanita Band of Kumeyaay Indians
60.8 acre fee-to-trust Casino Project
Calexico, California.

Dear Ms. Dutschke:

As the County Supervisor who represents Calexico, I am stating my support for the proposed 60.8 acre fee-to-trust transfer and casino project by the Manzanita Band of Kumeyaay Indians.

The Manzanita Band had placed a referendum on the ballot in 2005 asking the citizens of my community if they supported a casino. That referendum passed and the City of Calexico negotiated and adopted a Memorandum of Understanding with the tribe in 2006.

Experience with constituents in my District continues to show overwhelming support for the casino which would provide much needed jobs and an economic stimulus to the entire County. A County, by the way, that has the highest rate of unemployment and the lowest per capita income in the state of California.

Sincerely,

Victor M. Carrillo
Supervisor, District 1
County of Imperial
940 West Main Street Suite 209
El Centro, CA 92243-2871

WALLY LEIMGRUBER
SUPERVISOR - DISTRICT 5
940 MAIN STREET, SUITE 209
El Centro, CA 92243



BUS: (760) 482-4305
RES: (760) 356-2639
FAX: (760) 352-7876
PAGER: (760) 370-7740

March 27, 2008

Amy Dutschke
Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

**Re: DEIS Scoping Comments, Manzanita Band of Kumeyaay Indians 60.8 acres fee-to-trust
Casino Project, Calexico, California**

Dear Ms. Dutschke:

I appreciate this opportunity to comment on the DEIS regarding the Manzanita Band of Kumeyaay Indians proposed off-reservation casino project in Imperial County. The "Tribe" application to BIA dated April 14, 2006 seeks to obtain approval for their project under an exception referred to in Section 20 of IGRA. If approved, the ownership status of the property would be converted from taxable status to nontaxable Indian trust status. This acquisition would impact state and local government as the property is removed from the tax roll.

Every Californian, including every tribal member, depends upon county government for a broad range of services, from public safety and transportation to waste management and disaster relief. Counties are the largest political subdivision of the state having corporate authority and are vested by the legislature with the powers necessary to provide for the health and welfare of all people within their borders. Counties are responsible for a countywide justice system, and social welfare, health, and other services including the following:

Sheriff:

- Coroner
- County Jail
- Search & Rescue Services

District Attorney:

- Attorney & Prosecutors
- Criminal Child Support Investigations
- Child Abduction
- Welfare Fraud

Welfare:

- Employment & financial Services
- Child Protective Services
- Adult Protective Services
- Food Stamps
- Medi-Cal
- In-Home Supportive Services
- Adoption Assistant

Behavioral Health:

- Alcohol & Drug Abuse Program
- Mental Health Services for Medi-Cal Recipients
- School Based Services
- Recycling Information
- Household Hazardous Waste Facility

Planning & Development:

- Land use information
- Protection of property rights
- Code compliance and zoning enforcement

Public Health:

- WIC Food Voucher & Nutrition Education
- Environmental Health & Management
- Hazardous Materials Monitoring
- Clinics (i.e. well baby, pregnancy)
- Health Education Programs
- Birth records

County Administrative Office:

- Emergency & Disaster Management
- Economic Development

Farm, Home & 4H Advisor:

- Coordinate 4H program
- Provide Advice to Farmers & Gardeners

County Clerk/Recorder:

- General & Special Elections
- Marriage Licenses
- Death Records
- Passport Applications
- Voter Registration
- Recording of Official Records (deeds, liens, etc.)

Agriculture Department:

- Agriculture Law & Regulatory Enforcement
- Weights & Measures Enforcement
- Predatory Animal Control
- Pesticide Use Regulation

Public Works Department

- County Transit
- County Landfill

Assessor/Auditor/Treasurer

- Property Tax/Calculation/
Collection/Distribution

Veterans Services:

- Benefit Assistance
- Veteran Memorial Halls

Public Defender:

- Legal Assistance to Indigent Citizens

Water & Resource conservation:

- Manage and Conserve Water
for all County Residents

Treasurer – Tax Collector:

- Safekeeping & Investment of Public
Funds

Probation:

- Probation-Parole
- Juvenile Hall
- Victim Witness Assistance
- Youth Authority Placement payment

Fire:

- Fire Suppression & Control
- First Response to Medical Emergencies

Child Supportive Services:

- Enforcement/Collection of
Child Support Payments

Most of these services are provided to residents both outside and inside city limits. Unlike the exercise of land use control, such programs as public health, welfare, and jail services, are provided (and often mandated) regardless of whether a recipient resides within a city or in the unincorporated area of the county. These vital public services are delivered to California residents through its 58 counties. It is no exaggeration to say that county government is essential to the quality of life for more than 36 million residents in the state today. No other form of local government so directly impacts the daily lives of all citizens.

In addition, because county government has very little authority to independently raise taxes and increase revenues, the ability to adequately mitigate all off-reservation commercial endeavors is critical, or county services can be put at risk. California counties' ability to provide these mandated services has been significantly impacted by the expansion of Indian gaming.

Even when a gaming facility is within a city's jurisdictional limits, the impacts on county government and services may be profound. The California experience particularly has made clear that large casino facilities have impacts beyond the immediate jurisdiction in which they operate. Attracting many thousands of car trips per day, larger facilities cause traffic impacts throughout a local or even regional transportation system.

California currently leads the nation for off-reservation tribal gaming acquisition. The Bureau of Indian Affairs must concern themselves with establishing a coherent and consistent policy for acquired lands consistent with Section 20 of the Indian Gaming Regulatory Act.

Sincerely,



Wally J. Leimgruber
Imperial County Supervisor

cc: Honorable Dirk Kempthorne-Secretary of the Interior
Fax: 202-208-6956

Carl J. Artman-Assistant Secretary of Indian Affairs
Fax: 202-208-5320

March 27, 2008

Property Owners:
Hallwood Calexico Investments LLC
3710 Rawlins St. Suite, 1500
Dallas TX 75219

Re: 111 Calexico Place Project CA
off- reservation casino
Manzanita Band of Mission Indians

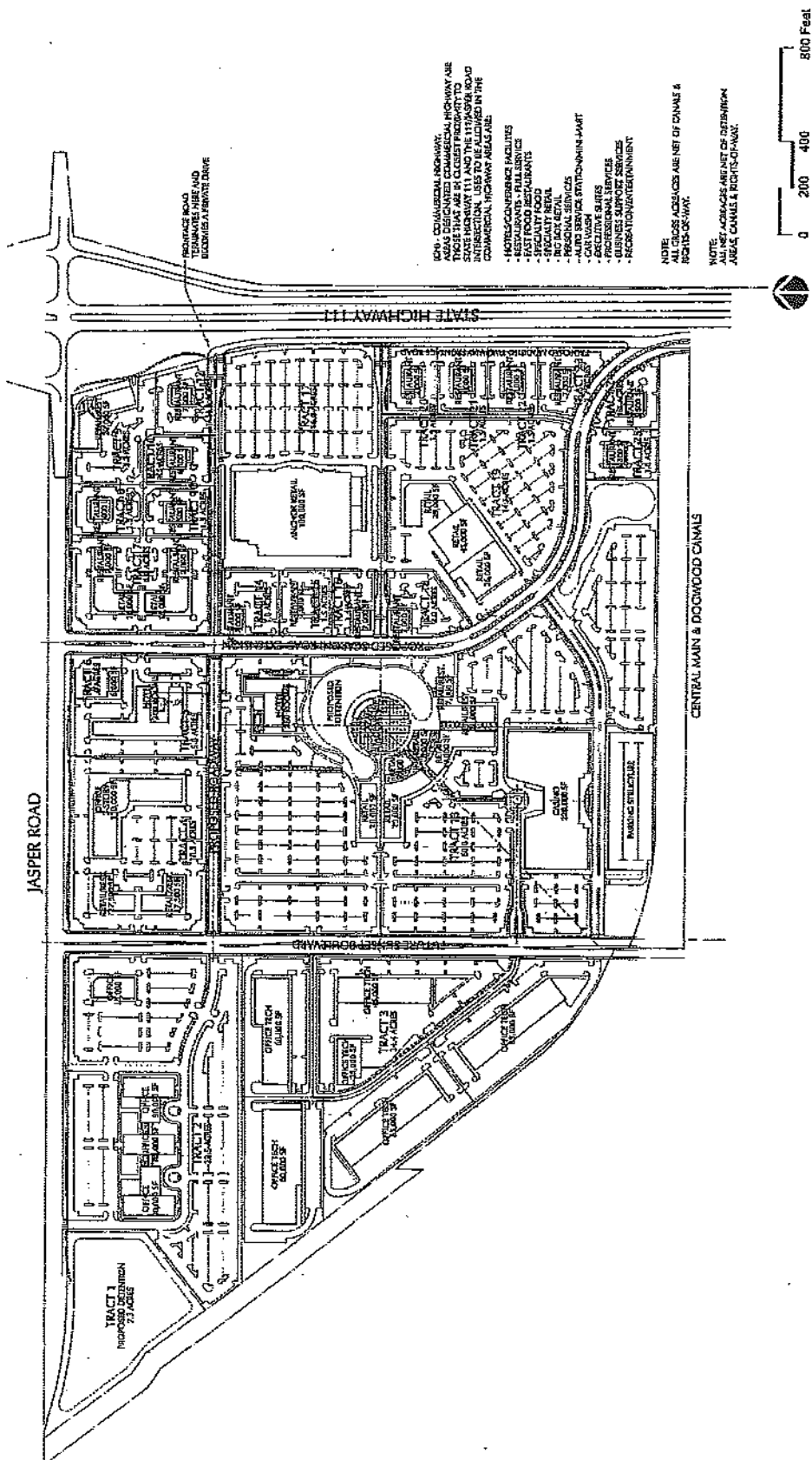
Acres:	Current Assessment	Property Taxes 2007
64.72	\$ 7,585,964.00	\$ 80,632.00
151.05	\$ 17,898,123.00	\$ 190,230.00
.78	\$ 15,912.00	\$ 176.80
Total		
216.55	\$ 25,500,000.00	\$271,038.80
av. cost per acre		av. property taxes per year
\$117,755.00		\$ 1,252.00
Fee land-to-trust land:		Improvements:
60.8 ac.		220,000-sq.ft. casino facility
aprox. value land		aprox. cost @ \$100.00/sq.ft
\$7,160,000.00		\$220,000,000.00
Land & Improvements		Property tax rate 1.0628%
\$ 227,160,000.00		for this area in Calexico CA

Note: If the property remained on the tax roll and was built out with the improvements and assessed at \$ 227,160,000.00 at the current tax rate of 1.0628% the property tax amount would be \$ 2,414,256.00.

Tribal Nations do not pay property tax as this property would transfer from fee-to trust lands.




Wally Leimgruber
Imperial County Supervisor



SOURCE: GFF Planning, 2007

03/13/07

111 Calexico Place

Conceptual Site Plan

FIGURE

Mary Kenneth O'Leary
424 E. Sherman St.
Calexico CA 92231

In the movie Back to Future Part II Marty returns to a dark future – The Biff Casino has sucked the life out of idyllic Hill Valley and transformed it into a living hell where crime abounds and poverty of spirit are evident. This scenario will not be too far from our own reality here in Imperial County if the Manzanita's Casino is allowed into our community.

The Manzanita's Casino in our community would have an extremely detrimental impact not only on our small community of Calexico but the entire County of Imperial. The damage to individuals, families, and the economy would far outweigh whatever revenue would be produced.

Our community has always been family oriented, peaceful and safe. Introducing the Manzanita's Casino will disrupt the harmony of our community and indeed damage the very fabric of our lives and our families.

The National Coalition Against Legalized Gambling (website: www.ncalg.org) clearly documents the relationship between crime and gambling – A Public Report to the Oxnard City Council by Michael D. Bradbury, Ventura District Attorney in May 2001 provides a the following facts related to crime figures:

- According to the Minneapolis Star Tribune in 1995 in the first six years after casinos opened in Minnesota, the crime rate in counties with

casinos increased more than twice as fast as in non-casino counties.

- A study published in 1991 reporting the impact of gaming in Atlantic City, notes that the total number of crimes within a 30 mile radius of Atlantic City increased by 107% in the nine years following the arrival of casinos.
- In 1997 the Mississippi Coast Crime Commission reported that there was a 43% increase in crime in the 4 years after casinos arrived.
- Our own I.V Press today reported that San Diego District 2 Supervisor Dianne Jacob, whose district has six casinos, as saying that communities near casinos can expect an increase in crime, traffic, noise and even possibly water conflicts.

The Manzanita's Tribe proposes to place their Casino inside the city limits of the City of Calexico – as I understand just west of Hiway 111. Hiway 111 is the main thoroughfare from Mexicali, Mexico. Often, especially during the harvest season, we experience heavy traffic going to and coming from Mexicali, Baja California. Often the passage from the city east to west is cut off. Traffic congestion would certainly increase with the Casino.

Obvious to those of us that know about addictive behaviors and have counseling backgrounds - gambling brings addiction. According to National Coalition Against

Legalized Gambling – in a mature gambling market compulsive gambling typically seizes the lives of 2.5% of the adult population. This means that about 3,700 individuals in Imperial County would become addicted gamblers...this is more than the number of jobs that would be created by the proposed Manzanita's Casino. The lives of those individuals and their families is too high a price to pay for a few

The damage to the families of our community far outweighs the revenue the Manzanita Casino would produce. The revenue flow from the Manzanita's casino is simply "fools gold".

I strongly urge the BIA to reject this any future proposals to bring the Manzanita Casino to Imperial County.

References

National Coalition Against Legalized Gambling

www.ncalg.org

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- National Gambling Impact Study Commission, "Final Report" Sec. 4, p..5.
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- <http://www.suicidology.org/>

*Wally Hamburger
482-4505 (cell)*

A PUBLIC REPORT TO THE OXNARD CITY COUNCIL

**"GAMBLING:
THE COST TO OUR COMMUNITY"**

by

MICHAEL D. BRADBURY
District Attorney

May 2, 2001

"We should all remember that once we legalize any form of gambling, it is nearly impossible to go back. And we should always remember that when we subscribe to the fiction that we can get something for nothing, in truth, we nearly always get nothing for something...gambling extracts a great price.

What's wrong are the tremendous costs to our society--costs that are unseen to some, but obvious to many of us who work in government, or in the fields of family and marriage counseling, addictive behavior and bankruptcy. The costs are obvious to those of us who service loans, review credit accounts, and compete for restaurant and entertainment business.

They are obvious to those of us who serve in law enforcement and who analyze crime statistics that measure convictions for stealing, embezzling at work, writing bad checks, and committing insurance fraud."

*Marc Racicot
Governor of Montana
January 14, 1998*

Tribal Acreage of Federally Recognized Tribes

Total Tribal Acreage in California (97 Tribes): 989,643 acres

*Data compiled from the 2002 Field Directory of the California Indian Community, Department of Housing and Community Development. Data from 97 Tribes total out of 108 listed in the Report. Those Tribes that left this item blank or noted 0 in population were not included in the total number of Tribes.

Counties and Tribes

- Forty-four counties with Indian Tribes in gaming, non-gaming, petitioning for federal recognition, or proposed gaming.
- Twenty-five counties with active gaming in their communities. (Total of 52 Tribes in those 25 counties).
- Thirty-three counties with active and proposed gaming. Of those, eight counties have proposed gaming and do not have any current gaming facilities. Total of 74 Tribes in those thirty-three counties that have active or proposed gaming.
- Twenty-five counties with tribes that are petitioning for federal recognition. Of those, ten counties do not have any active or proposed gaming in their communities.
- One county has a tribe where the status of the tribe is unknown (Alpine).
- Fourteen counties with no tribes in gaming, non-gaming, petitioning for federal recognition or proposed casinos: Alameda, Merced, Monterey, Napa, Nevada, Sacramento, San Francisco, San Joaquin, San Luis Obispo, Sierra, Solano, Stanislaus, Sutter, and Ventura.

*Numbers include the June 25, 2003 opening of the Picayune Rancheria Casino in Madera County.

Indian Gaming Facilities in California

Total number of fully operational casinos in California: 53

Total number of proposed casinos: 23

Memorandums of Understanding

Total number of MOUs or local agreements with Counties in California: 18

Alpine (no casinos in development), Amador (2 separate MOUs), Del Norte (Proposed Casino), Humboldt, Imperial, Madera, Mono (casino closed), Placer, Riverside, San

Diego (4 separate MOUs), Santa Barbara, Tuolumne, Yolo, and Yuba (Proposed Casino).

Total number of comprehensive MOUs which provide for mitigation for most areas of service impacts: 6 (Del Norte, Madera, Placer, Tuolumne, Yolo, Yuba)

Impact Analysis

- There are currently 12 counties that have done an impact analysis, and 8 counties have included the fiscal impacts of Indian Gaming on the county. The total fiscal impact to those 8 counties is approximately \$200 million, which includes \$182.5 million in one-time costs and \$16.7 million in annual costs to counties.

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INTRODUCTION

I would like to thank Oxnard Chief of Police Art Lopez, members of the City Council, and City Manager for their cooperation and assistance in our investigation which resulted in this report. In June 1993, this office issued a Public Report to the Oxnard City Council addressing the proposal for the opening of a large-scale card casino within the city limits of Oxnard. That report, after examining the history of similar gambling operations in California, and the various aspects of the expected impact upon the City of Oxnard, concluded that:

“History tells us what those problems will be; increased crime, threats of governmental corruption, and debilitating effects on the image of our community. For the public, the long-term costs of these problems far outweigh any short-term [financial] benefits of cardroom casinos.”

In 1993, the Oxnard City Council, after considering input from this office and the community, voted 5 - 0 against cardroom casinos. The wisdom of that decision has been repeatedly demonstrated by numerous reports of scandal, public corruption, and negative socioeconomic consequences in cities that have cardrooms. Just last month, the Los Angeles District Attorney's Office served search warrants at the city halls of Cudahy and Bell Gardens. Both cities are home to large cardrooms. The *Los Angeles Times* reported that the investigators were searching city offices for documents and records as part of a wide-ranging public corruption investigation.

The issue of organized gambling has again surfaced in Ventura County as the Oxnard City Council considers a proposal for the establishment of casino-style gambling on land adjacent to

the Highway 101. Strong views on both sides of this issue permeate the public dialogue. Of course, a decision to establish a gambling casino in Oxnard would impact not only the City of Oxnard but neighboring communities and the entire County of Ventura. The impact would be a lasting one. Clearly, this is one of the most important decisions that has faced local government and Ventura County residents in many years.

Oxnard officials have taken a thoughtful and responsible approach to the issue requesting not only in-depth study but fully supporting and cooperating in this office's investigation. The city is in the process of carefully analyzing the positive and negative impacts of the proposal. Their laudable purpose in reviewing the gaming proposal is to determine if a casino will enhance funding for needed public programs and improve the community's economic well being. Hopefully, this report will assist them in this important task.

Our investigation has included checking the background of the proposal's principals, becoming familiar with the experiences of numerous other communities with casinos, and a comprehensive review of recent literature and reports on the impact of gambling on the community.

The impact of large-scale casino gambling is highly complex and has been studied in depth by numerous governmental bodies and socioeconomic and criminal justice experts. In 1996, Congress authorized the creation of the National Gambling Impact Study Commission. This commission was charged with the responsibility "to conduct a comprehensive legal and factual study of the social and economic implications of gambling in the United States." It took extensive testimony and considered a wide range of reports over a two-year period, and on June 18, 1999, issued a wide ranging and comprehensive report.

Based on our inquiries and a survey of applicable studies, it is our opinion that bringing large-scale gambling to Oxnard would have an extremely detrimental impact on our entire County and ultimately do irreversible damage to the very fabric and security of our community. This damage, to people, families, economy and political institutions, far outweighs the revenue it would produce and the benefits that would flow from this revenue. It would produce significant primary and secondary law enforcement problems. Revenue flowing from casino gambling is simply "fools gold." It is an illusory benefit over the long run. I strongly urge the City Council to reject this and any future proposals to bring gambling to Oxnard.

GAMBLING AND CRIME

Paragon Gaming, LLC, hereafter "Paragon," has proposed to introduce large-scale, full-casino gambling into Oxnard and Ventura County.

On March 2, 2000, Paragon Gaming, LLC filed for incorporation, 2034-2000LLC, in the State of Nevada. The corporation officers are listed as Bryan M. Williams - Reg. Agent, Diana Lee Bennett - President and George Scott Menke - Secretary. Diana Bennett is the daughter of Bill Bennett, a self-made billionaire who was a co-founder of Circus Circus Entertainment. Scott Menke is Bill Bennett's nephew.

Bill Bennett is 100% owner of the new Sahara Hotel and Casino in Las Vegas and is believed to have 500 million dollars in cash assets under his control. Bennett is a highly respected man in the gaming industry and has been repeatedly licensed and re-licensed by Nevada Gaming Control. Nevada Gaming Control found no criminal ties for the Paragon Corporation or the individuals listed in Paragon's proposal.

Paragon Gaming, LLC appears to be a legitimate and above-board corporation. Paragon has substantial monetary assets at their disposal and apparent political strength via expert lobbyists.

The Greenville Rancheria Maidu Indians consist of 159 members and are located in Plumas County, California. Greenville is located in a rural area approximately eighty miles east of Oroville and eighty miles west of Reno. The Maidu Indians are a landless tribe under the jurisdiction of Central

California Bureau of Indian Affairs. They have a General Council as their governing body. Lorie Jaimes of Red Bluff, California serves as chairman to the General Council. The Maidu have no known historical or cultural connection to Ventura County.

Our community has, for many years, been the safest county in the West. Wholesale casino gaming will introduce a highly destabilizing element which has the potential to dramatically impact the safety of our citizens.

The connection between crime and gambling is of particular concern to local law enforcement. We recognize that public safety issues are not the sole basis for all public policy decisions. There are of necessity a multitude of factors government decision makers must consider. However, public safety remains government's first responsibility and the impact of any proposal on a community's well being should be a major factor in that evaluation. This is true regardless of short-term or even possible long-term economic gains.

Paragon's proposal places a casino in the middle of one of our most viable assets, the Highway 101 corridor. A recent *Newsweek Magazine*, quoted in the April 26 *Star*, identified Ventura County's growing technology sector in the list of ten cities that have become important players in the information age. The "Ventura Freeway corridor saw venture capital investments jump from \$68 million in 1999 to \$848 million..." *Newsweek* defines the corridor as "a chain of towns stretching 40 miles along Highway 101 from Glendale to Ventura."

In January 1998, Governor Marc Racicot of Montana acknowledged the benefits of gambling in Montana. He noted that video gambling machines alone had contributed approximately \$11,000,000 to the state and \$21,500,000 to local governments in 1996. The revenue from the state-run lottery amounted to another \$22,000,000 that year. But he went on to state:

“We should all remember that once we legalize any form of gambling, it is nearly impossible to go back. And we should always remember that when we subscribe to the fiction that we can get something for nothing, in truth, we nearly always get nothing for something. Despite the (tax) benefits, gambling extracts a great price. What’s wrong are the tremendous costs to our society—costs that are unseen to some, but obvious to many of us who work in government, or in the fields of family and marriage counseling, addictive behavior and bankruptcy. The costs are obvious to those who service loans, review credit accounts and compete for restaurant and entertainment business. They are obvious to those of us who serve in law enforcement and who analyze crime statistics that measure convictions for stealing, embezzling at work, writing bad checks, and committing insurance fraud.” (Emphasis added)

In too many communities across America, the arrival of casinos has been followed by a burgeoning crime rate. The following facts and crime figures paint a bleak picture:

- According to the *Minneapolis Star Tribune* in 1995, in the first six years after casinos opened in Minnesota, the crime rate in counties with casinos increased more than twice as fast as in non-casino counties.
- A study published in 1991, reporting the impact of gaming in Atlantic City, notes that the total number of crimes within a thirty-mile radius of Atlantic City increased by 107% in the nine years following the arrival of casinos. This is particularly enlightening when one considers that nationwide crime statistics have been decreasing throughout the 1990s.
- In 1997, the Mississippi Coast Crime Commission reported that there was a 43% increase in crime in the four years after casinos arrived. Harrison County, where most of the Gulf Coast casinos are located, witnessed a 58% increase in total crimes between 1993 and 1996.

- A 1996 report in *U. S. News and World Report* found that crime rates in casino communities are 84% higher than the national average. Furthermore, while crime rates dropped by 2% in 1994, the thirty-one localities that introduced casinos in 1993 saw an increase in crime of 7.7% the following year.
- Researchers at the University of Nevada-Las Vegas reported in November 1996, that in the State of Wisconsin, where Indian-based casinos have now been opened, there has been an average of 5,300 additional major crimes a year due to the presence of casinos in that state. They also attributed an additional 17,100 arrests for less serious crimes each year due to the existence of casino gambling.
- In November 1997, the Eighth Circuit Court of South Dakota reported that the annual number of felony cases in Lawrence County, South Dakota had increased by 69% since the introduction of casinos to Deadwood.
- A Maryland Attorney General Report in 1995 stated that the number of police calls in Black Hawk, Colorado had increased from 25 the year before casinos to between 15,000 and 20,000 annually after their introduction. In neighboring Central City, the number of arrests increased by 275% the year after casinos arrived.
- In Cripple Creek, Colorado, serious crime increased by 287% in the first three years after casinos were introduced.
- In both 1995 and 1996, the State of Nevada ranked the highest in their statewide crime rates in the entire nation, based on an analysis of FBI Uniform Crime Statistics. Furthermore, the violent crime rate in Nevada increased by close to 40% from 1991 to 1996, a period in which the national violent crime rate dropped by approximately 10%.
- A 1995 report by the Attorney General's Office in the State of Maryland stated:

"Casinos would bring a substantial increase in crime to our state. There would be more violent crime, more juvenile crime, more drug and alcohol-related crime, more domestic violence and child abuse, and more organized crime. Casinos would bring us exactly what we do not need—a lot more of all kinds of crime."

Despite all the anecdotal evidence, the National Gambling Impact Study Commission was unable to make a conclusive link between gambling and crime. Their report stated that "the Commission attempted to investigate the relationship between crime and legalized gambling through two studies: the NRC and the NORC reports. The results from these two studies suggest that a relationship may exist between gambling activity and the commission of crime, but concluded that insufficient data exists to quantify or define that relationship." However, a definitive study addressing this issue was published in September 2000 by the University of Illinois. Authored by economists at the University of Illinois at Urbana-Champaign and the University of Georgia, the paper studied the connection between casinos and crime using county-level data for every U.S. county between 1977 and 1996.

The University of Illinois publication noted:

"General Accounting Office (GAO) and National Gambling Impact Study Commission (NGISC) concluded that no definitive conclusions can yet be made about the casino-crime link because of the absence of quality research. Our paper addresses this void by rectifying the research limitations. First, we conducted the most exhaustive investigation to date, utilizing comprehensive county-level crime data that includes every U.S. county, thereby eliminating sampling concerns. Second, we analyzed crime effects over time by exploring the time-series nature of our data, which cover 1977 through 1996. Third, we do not focus on one or two crimes, but examine all seven FBI Index One Offenses (aggravated assault, rape, murder, robbery, larceny, burglary, and auto theft). **We conclude the casinos increase crime in their host counties and the crime spills over into neighboring counties to increase crime in border areas.**"

In the summary of their research, they made the following findings:

"Our analysis of the relationship between casinos and crime is the most exhaustive ever taken in terms of the number of regions examined, the years covered and the control variables used...We concluded that casinos increased all crimes except murder, the crime with the least obvious connection to casinos. Most offenses showed that the impact of casinos on crime increased over time and began about three years after casino introduction. This pattern is consistent with the theories that problem and pathological gamblers commit crime as they deplete their resources, that non-residents who visit casinos may both commit and be victims of crime, and the casinos lower information costs of crime and increase the potential benefits of illegal activity. These effects outweigh the potentially positive effects on crime that casinos may have through offering improved labor market opportunities...**Between 3% and 30% of the different crimes in casino counties can be attributed to casinos. This translates into social crime costs associated with casinos of \$65 per adult in 1995 and \$63 per adult in 1996.** These figures do not include other social costs related to casinos such as crime in neighboring counties, direct regulatory costs, costs related to employment and lost productivity, social service and welfare costs. Overall 8% of property crime and 10% of violent crime in counties with casinos was due to the presence of the casino...Counties that neighbor casino counties generally experience crime increases whose pattern matched the pattern in casino counties but smaller. This indicates that crime spilled over from many casino counties into neighbor counties, rather than shifting crime from one area to another." (Emphasis added)

According to the most recent Census Bureau statistics, there are 539,140 adults in Ventura County.

The University of Illinois study would thus put the social crime costs for casino gambling at \$33,965,442.

ECONOMIC IMPACT ON OUR COMMUNITY

The introduction of a casino into Ventura County, whether in Oxnard or elsewhere, would have a direct and immediate impact on the safety and security of our citizens. Some proponents of gambling have long contended that communities should take this risk due to the potential economic

benefits. As was noted by the National Gambling Impact Study Commission (NGISC):

"Many communities, often those suffering economic hardship and social problems, consider gambling as panacea to those ills. Indeed, a number of communities plagued by high unemployment have found a form of economic renewal through gambling, particularly through the development of "destination resorts." In addition, state, local, and tribal governments have received substantial revenues from taxes on gambling enterprises and lottery receipts. However, there are costs associated with these decisions and gambling cannot be considered a panacea for all economic problems in a community."

The Commission went on to state:

"It is evident to this Commission that there are significant benefits and significant costs to the places, namely those communities which embrace gambling and that many of the impacts, both positive and negative, of gambling spill over into the surrounding communities, which often have no say in the matter. In addition, those with compulsive gambling problems take significant costs with them to communities throughout the nation. In an ideal environment, citizens and policy makers consider all of the relevant data and information as part of their decision making process. Unfortunately, the lack of quality research, and the controversy surrounding this industry rarely enables citizens and policy makers to truly determine the net impact of gambling in their communities, or, in some cases their backyards."

The Commission funded various reports attempting to quantify the economic impact on communities of increased gambling activities. The Commission cited the conclusion of one such report that "while gambling appears to have net economic benefits for economically depressed communities, the available data are insufficient to determine with accuracy the overall costs and benefits of legal gambling. The NRC study stated that pervasive methodological problems in almost all existing studies prevent firm conclusions about the social and economic effects of gambling on individuals, families, businesses, and communities, generally." The Commission noted that almost all studies have been conducted by interested parties. "These typically have gone no further than to estimate local jobs and income from the gambling industry. But since the economic effect of an activity is its

value added above what the same resources would be adding to value if employed elsewhere, these studies are deficient and may mislead readers to conclude that the introduction of gambling activities in an area will result in significant benefits without attending costs, which may in fact overwhelm the benefits.”

Having said that, it is important to look at various studies, particularly those which have quantified the impact on the surrounding population of newly introduced casino operations. A study by Professor John Kindt, at the University of Illinois Business Department, in an article published in the *Northern Illinois University Law Review*, characterized casino gambling as follows:

“Looking much like a black hole, a casino sucks money from the surrounding population, ultimately sending the local economy into a downward spiral. Once the original market becomes saturated by casino gambling, it almost always suffers an economic downturn. If that community is situated in a closed market, one without access to significant tourist revenues, saturation can occur as soon as one year after a single casino opens. Unlike other entertainment activities, casino gambling could create...a negative multiplier effect on the local economy, siphoning dollars from other businesses and into gambling operations...Contrary to the popular notion the casinos make significant revenues from tourists, casinos in closed markets feed almost exclusively on local economies...casinos in open markets, those with access to major tourism dollars from a non-gambling economy, fare better, but only at the expense of their neighbors. The Nevada economy appears to constitute a classic example of a legalized gambling economy parasitically draining another economy, primarily Southern California. Gambling by Californians pumps nearly 3.8 billion dollars into Nevada each year. The larger an economy, the longer it can be drained without being noticed by the public...Locating in or near a sizeable metropolitan area is all the more important for the casino because once an economy becomes saturated by gambling and begins to slide, casinos find it increasingly difficult to maintain profits.”

A December 14, 1998, *Los Angeles Times* article, "Gardena's Changing Fortunes, Living by Casinos, Losing by Casinos," details what can happen:

"...But Gardena stands as an example of what can happen over the long haul, a warning to other municipalities now debating whether to bet their fiscal futures on gambling. In Gardena, there are no major shopping centers, no fine restaurants. Storefronts are closed. Civic pride lives mostly in memories...The clubs exerted their political influence in ways that profoundly affected the city's futures. Most important, they discouraged development, fearing that new business leaders might usurp control and outlaw poker. **The price: Gardena lost a more diverse economy that would have better helped the city endure the demise of the clubs.**" (Emphasis added)

The NGISC Report noted that "one theme running through the testimony received before the Commission was that the economic benefits were generally most pronounced within the immediate vicinity of the gambling facilities, while the social costs tended to be diffused throughout a broader geographic region."

A study published in April 1994 by University of Illinois economist Earl L. Grinols concluded that "riverboat gambling did not create the jobs that were promised and had very little effect on reducing unemployment. Economically speaking, it appears that riverboat casinos shift jobs as opposed to creating jobs. For example, the number of independent restaurants drops when a casino opens up."

The Mississippi Gulf Coast suffered the same fate as the economies of the states in the upper Mississippi Valley who turned to riverboat gambling. On the Gulf Coast, retail sales of everything from cars to clothes is down, as well as personal savings in banks. However, not all businesses are hurt when casinos come in. Pawn shops usually prosper when gambling comes into an area. The Mobile County License Commissioner noted that the number of licensed pawn shops in the Mobile area, 50 minutes away from Mississippi Coast casinos, increased from 15 to 55 within a year.

This is also true in the big-time casino areas. Atlantic City now has thousands of slot machines, but no car washes, no movie theaters, and only one supermarket. A report by the State of New Jersey concluded that "it is clear that retail business and retail employment in Atlantic City has continued to decline despite the presence of gambling, and that rampant speculation has rendered the development of vast parts of Atlantic City difficult if not impossible." When casinos first came to Atlantic City, there were 2,100 thriving small businesses. Today the number is near 1,100, and unemployment is at 14.9%.

In summary, while casinos may bring short run economic benefits, in the long run they weaken a community's economy and wreak havoc on small businesses. Professor John Kent of the University of Illinois noted in a report to the Commission that for every dollar a state receives from gambling revenues, taxpayers must put up three dollars to cover the social costs and consequences of gambling. "Legalized gambling is inherently parasitic on any economy...It always hurts the economy, it always creates large socioeconomic problems...and that intensifies the needs for tax dollars to address the new problems that they are creating by legalizing gambling."

The NGISC report also cited a 1998 study published in the *Wharton Real Estate Review*, which concluded that "The greatest effect of the introduction of gambling is on commercial property values, with residential property values not raised at all, perhaps even lowered by casino gambling."

FRAUD ON THE PUBLIC

Casino interests have long made it a practice to tell the public whatever it takes to sell the product. For example, a \$12,000,000 campaign convinced Missouri voters in November 1994 to permit steam-driven paddle boats cruising the Mississippi and Missouri Rivers to begin offering casino gambling. Once approved, the casinos successfully petitioned the Missouri General Assembly to drop the cruising requirements, contending the river was "too dangerous." Large casino interests then began to build their boats on man-made lagoons well off the river. When the State Supreme Court found these boats in violation of the State Constitution, the industry immediately took action, not to correct the illegality, but to begin gathering signatures in an effort to change the law at the ballot box.

With the passage of Propositions 5 and 1A, in 1998 and 2000 respectively, we have seen a similar development in California. Voters approved an expansion of legalized gambling on Indian reservations. This approval was no doubt motivated by a well-funded campaign designed to convince the public that changes in the law would merely give Indian tribes the opportunity for economic advancement.

The proposed Oxnard casino has nothing to do with "Indian Gaming." The Maidu Indian tribe, selected by the Las Vegas interests, has no historical claim to Ventura County land. They are a Northern California tribe with no known history in Ventura County. It is doubtful that the voters of Oxnard, Ventura County, (or California) contemplated that their vote for Indian Gaming would allow Las Vegas interests to create "Indian lands" in Ventura County. This is especially true when one realizes that during its first five years of operation the majority of the Oxnard casino profits would go

to the Nevada corporation. Thereafter, the profits would go to Plumas County, home of the Maidu Indians.

Perhaps *Ventura County Star* columnist Colleen Cason said it best in her article of April 22, 2001:

"But that is the very definition of addiction. You repeat a behavior despite its negative consequences. Oh, we meant well. But you and I know good intentions pave the road to damnation. Back in March of last year you wanted to use your ballot to right the ungodly wrong done to American Indians. That's what Proposition 1A promised. Remember that likeable young Mark Macarro on the television endorsing the initiative? There he stood in oaken glen promising that gambling on Indian lands would bring self-reliance to American Indians. You envisioned a small casino down a country lane on a reservation. Laughing American-Indian children passing it up on the way to a new schoolhouse. What you did not imagine is a casino on Highway 101 in Oxnard."

GAMBLING'S IMPACT ON FAMILIES - ABUSE AND NEGLECT

The National Gambling Impact Study Commission also received considerable testimony regarding the impact of gambling on the fabric of the American family. They ultimately concluded that "family strife created by gambling problems also appears in the form of abuse, domestic violence or neglect."

The Commission Report summarized testimony from the Rhode Island Attorney General that a "significant increase" in domestic assaults had occurred in the community of Westerly, Rhode Island after the opening of the Foxwoods Casino twenty minutes away. The Commission also quoted a report of the Maryland Attorney General in 1995 that a linkage had been identified between expanded gambling and increases in domestic violence in numerous locales in the State of Maryland. The Commission received additional testimony regarding the impact of riverboat gambling in the State of Mississippi. A domestic violence counselor in Harrison County testified that a shelter in

that county reported a 300% increase in the number of requests for domestic abuse intervention after arrival of the casinos. The same county has averaged 500 more divorces per year since casinos arrived. A national study conducted for the Commission cited two independent studies showing that between 25% to 50% of spouses of compulsive gamblers have been abused.

The Commission also concluded that "children of compulsive gamblers are often prone to suffer abuse, as well as neglect, as a result of parental problems or pathological gambling."

THE PATHOLOGICAL GAMBLER

The National Gambling Impact Study Commission entered into contracts with the National Opinion Research Center (NORC) at the University of Chicago, and the National Research Council (NRC) of the National Academy of Sciences to obtain current and reliable data regarding the problem of pathological gamblers. Based on those studies, as well as other previously published reports, the Commission reached a number of conclusions regarding the impact of pathological gambling on our society.

The NRC Study "noted the existence of a number of costly financial problems related to problem or pathological gambling, including crime, loss of employment, and bankruptcy." According to the NRC, "as access to money becomes more limited, gamblers often resort to crime in order to pay debts, appease bookies, maintain appearances, and gather more money to gamble. Another cost to pathological gamblers is loss of employment. Roughly one-fourth to one-third of gamblers in treatment in Gamblers Anonymous report the loss of their jobs due to gambling." The NRC Report

states that "problem and pathological gamblers often engage in a variety of crimes, such as embezzlement, or simply default on their financial obligations." In addition, the NRC study also noted the impact of such behavior on children. The report stated that "children of compulsive gamblers are more likely to engage in delinquent behaviors such as smoking, drinking, and using drugs, and have an increased risk of developing problem or pathological gambling themselves."

In a 1997 study by the Harvard Medical School Division on Addictions, it was estimated that of the 125,000,000 American adults who gamble, approximately 7,500,000 should be considered problem or pathological gamblers. The American Psychiatric Association describes pathological gambling as "an impulse control disorder and describes ten criteria to guide diagnoses, ranging from repeated unsuccessful efforts to control, cutback, or stop gambling to committing illegal acts such as forgery, fraud, theft, or embezzlement to finance gambling." As noted by the Commission, all (in the field) "seem to agree that pathological gamblers engage in destructive behaviors: they commit crimes, they run up large debts, they damage relationships with family and friends, and they kill themselves."

The Commission also found that "in addition to the costs of problem and pathological gambling born by the individual and his or her family, there are broader costs to society." Citing research by the National Opinion Research Council, the Commission found:

"...that the annual average costs of job loss, unemployment benefits, welfare benefits, poor physical and mental health, and problem or pathological gambling treatment is approximately \$1,200 per pathological gambler per year and approximately \$715 per problem gambler per year. NORC further estimated that lifetime costs (bankruptcy, arrests, imprisonment, legal fees for divorce, and so forth) at \$10,550 per pathological gambler, and \$5,130 per problem gambler. With these figures, NORC calculated that the aggregate annual costs of problem and pathological gambling caused by the factors cited above were approximately \$5 billion dollars per year, in addition to \$40 billion in estimated lifetime costs."

It is indisputable that the problem of pathological gambling is extraordinarily serious in our society. There is no doubt that we will see an increase in such behavior here in Ventura County with the introduction of casino gambling.

The Commission also found that environmental factors play a significant role in producing pathological gamblers. Whatever the ultimate cause of problem or pathological gambling, it is reasonable to assume that its manifestation depends, to some undetermined degree, on ease of access to gambling, legal, or otherwise. Referring to the NORC study, the Commission Report states:

“NORC examined the nearby presence of gambling facilities as a contributing factor in the incidence of problem and pathological gambling in the general population. In examining combined data from its telephone and patron surveys, NORC found that the presence of a gambling facility within 50 miles roughly doubles the prevalence of problem and pathological gamblers.” In addition, “seven of the nine communities that NORC investigated reported that the number of problem and pathological gamblers increased after the introduction of nearby casino gambling.”

The NRC report, cited by the Commission, reached the same conclusion:

“NRC’s review of multiple prevalence surveys over time concluded that some of the greatest increases in the number of problem and pathological gamblers shown in these repeated surveys came over periods of expanded gambling opportunities in states studied.”

ADOLESCENT GAMBLING

We also know that adolescent gamblers are more likely than adults to become problem or pathological gamblers. The Commission found that:

“Several studies have shown that pathological gambling is associated with alcohol and drug use, truancy, low grades, problematic gambling in parents, and illegal activities to finance gambling. How does one place a dollar value—a cost—on that conduct? How do we, as a nation, quantify the value of lost opportunities to these young individuals?”

The various studies examined by the NGISC determined that, as a group, children are gambling even before they leave high school (However, a report prepared for the NGISC indicated that adolescents were notably absent from casino play, with barely 1% reporting any casino wagers).

Under the current proposal for the Oxnard casino, individuals age 18 and above will be permitted into the casino unlike Las Vegas which requires that patrons be 21 years of age. The Commission report cited a Harvard University analysis which noted that:

“...compared to adults, youth have had more exposure to gambling during an age when vulnerability is high and risk-taking behavior is a norm; consequently these young people have higher rates of disordered gambling than their more mature and less vulnerable counterparts.”

The Commission went on to state that “it may be important to note the impact of proximity to legalized gambling on adolescents. One study found that college students in New York, New Jersey, and Nevada had higher rates of gambling than did students in Texas and Oklahoma.”

GAMBLING AND THE HOMELESS

The problems of homelessness in Ventura County are relatively minor when compared to Los Angeles and Santa Barbara Counties. Introduction of casino gambling in Oxnard could change this. In March 1998, a survey conducted by the International Union of Gospel Missions (IUGM) reported that nearly one in five homeless men and women cite gambling as a cause of their situation. That survey was conducted at 42 shelters nationwide and was based on interviews of 1,100 clients at dozens of rescue missions across the United States. **Commenting on that report, then Senator John Ashcroft of Missouri, now the Attorney General of the United States, called the findings “a fireball in the night warning America against the terrible effects of gambling.” It “should**

be required reading for the national commission, for public officials who are lobbied by gambling interests...and for citizens who are asked to vote propositions to legalize gambling.”

After citing that report, the commission also noted that interviews with 7,000 homeless individuals in Las Vegas revealed that 20% reported a gambling problem. The Atlantic City Rescue Mission reported to the commission that 22% of its clients are homeless due to a gambling problem. A survey of homeless service providers in Chicago found that 33% considered gambling a contributing factor in the homelessness of people in their program.

FINANCIAL AND CREDIT ISSUES

There is a “wide-spread perception among community leaders that indebtedness tends to increase with legalized gambling, as does youth crime, forgery and credit card theft, domestic violence, child neglect, problem gambling, and alcohol and drug offenses.”

The NGIS reported testimony from the Director for Consumer Credit Counseling Services in Des Moines, Iowa that “in the late 1980s, 2% to 3% of the people seeking counseling services attributed their credit problems to gambling. Today, approximately 15% of counseling goes to individuals with gambling attributed to the core of their credit concerns.”

The Commission Report further noted that:

“Nineteen percent of Chapter 13 bankruptcies in the State of Iowa involve gambling-related debt. Bankruptcies in Iowa increased at rates significantly above the national average in the years following the introduction of casinos. Nine of the twelve Iowa counties with the highest bankruptcy rates in the state had gambling facilities in or directly adjacent to them.”
The same situation appears to be true in Illinois another riverboat gambling state. A sampling of

Illinois bankruptcy attorneys indicated a solid 10% to 15% of their clients identified gambling as a major contributor to the bankruptcy.

TRIBAL SOVEREIGNTY

A casino in Oxnard would essentially involve the creation of an Indian territory, raising many issues regarding the applicability of state laws, and local regulations, for both Indians and non-Indians while on the reservation (the casino). In this area there are more questions than answers. But there are some basic legal principles applicable to the Indian lands that impact our analysis of this proposal.

The Commerce Clause recognizes Native American tribes as separate nations. Chief Justice Marshall once wrote that the Indian tribes are “distinct political communities, having territorial boundaries, within which their authority is exclusive...” (*Worcester v. Georgia* (1832) 31 U.S. 515, 557.) As a result, state law often does not apply on Native American lands.

The United States Supreme Court explained in *Santa Clara Pueblo v. Martinez* (1978) 436 U.S. 49, 58, “Indian tribes have long been recognized as possessing the common-law immunity from suit traditionally enjoyed by sovereign powers.” This immunity extends to tribal officials acting “in their official capacity and within their scope of authority.” (*Turner v. Martire* (2000) 82 Cal.App.4th 1042, 1046.) Thus, the California Court of Appeal has ruled that immunity protects an Indian casino from a lawsuit by a bystander injured in a fight in the casino’s parking lot. (*Trudgeon v. Fantasy Springs Casino* (1999) 71 Cal.App.4th 632.) Similarly, tribal

official cannot be sued in state court for fraud involving the casino. (*Great Western Casinos, Inc. v. Morongo Band of Mission Indians* (1999) 74 Cal.App.4th 1407.) Even where a citizen alleges that games at Indian casinos are “rigged” with marked cards, no lawsuit may be brought in a California court. (*Kelly v. First Astri Corp.* (1999) 72 Cal.App.4th 462.)

In the area of criminal law, the United States Supreme Court has held that states have only limited jurisdiction for crimes committed on Indian land. (*California v. Cabazon Band of Mission Indians* (1987) 480 U.S. 202.) The courts have held that “state” authorities (e.g., the Oxnard Police Department, Ventura County District Attorney, and California state courts) would have authority regarding only “prohibitory” offenses such as murder, but would have no jurisdiction whatsoever over “regulatory” laws. The courts have interpreted the distinction between prohibitory and regulatory laws to conclude that the Workers Compensation Appeals Board has no jurisdiction to assist an employee who is injured at the casino (*Middletown Rancheria of Pomo Indians v. W.C.A.B.* (1998) 60 Cal.App.4th 1340). The problems inherent in determining which criminal laws may be enforced are discussed in an article in the UCLA Law Review. (Comment, *Divisiveness and Delusion: Public Law 280 and the Evasive Criminal/Regulatory Distinction* (1999) 46 UCLA L. Rev. 1333.)

The Commission Report also noted that:

“Local regulations such as zoning, building, and environmental codes do not apply on Indian lands. Tribal governments do, however, sometimes adopt local building and other health and safety codes as tribal laws.”

On July 29, 1998, San Diego Supervisor Dianne Jacob, while testifying on the impact of Indian gambling on San Diego County, stated that while her county government “has had some success in establishing a government-to-government relationship with the members of the tribes in (her supervisorial) district,” local governments “incur the costs of law enforcement for gaming-related crimes whether they are property crimes that occur at a casino or more serious crimes related to individuals who have been at a casino. For example, the San Diego County Sheriff, who is responsible for law enforcement adjacent to all three of the reservations (in San Diego County) on which there is gambling, responded to almost 1,000 calls for service in 1996 alone.” The Commission Report also cited further testimony from Supervisor Jacob about two tribal land acquisitions proposed but not yet approved in her district. It was noted that “in both of these situations, the impact on residents of adjacent communities—in terms of traffic, crime, and property devaluation—would have been devastating. It is one thing to respect the sovereignty of existing tribal lands, but another to annex lands simply for the purpose of circumventing local land use and zoning regulations.”

The Commission also noted that:

“Tribal labor laws apply and state labor laws do not apply to tribal gambling employers under the federal law. State laws that would be inapplicable include workers compensation; state unemployment insurance; state minimum wage; daily or weekly overtime; state disability insurance programs; protection against discrimination for race, sex, age, religion, disability, etc.; protection of minors; no authorized deductions from paychecks; no kickbacks or wage rebates; mandatory day of rest; payment of wages at least semi-monthly; no payment in script, coupons, or IOUs; no required purchases at company stores; and payment in full to terminated workers.”

In respect to the taxing issues, the Commission Report also went on to state that:

“As governmental entities, tribal governments are not subject to federal income taxes. Instead, the Internal Revenue Service classifies tribal governments as non-taxable entities. As Indian casinos are owned and often operated by the tribes, the net revenue from these facilities go directly into the coffers of the tribal governments.”

CONCLUSION

Throughout this country, and in California, the history of legalized gambling has been one of scandal, corruption, and adverse impact on the community. As I stated in my 1993 report regarding a proposed Oxnard card club, “...although providing revenues for city governments, the costs in terms of crime, the diminution of quality of life, the attraction to an undesirable element in society, and the loss of integrity in government is unacceptably high.” The saga of prominent political officials being indicted and convicted for their involvement in gambling corruption seems endless, including most recently the former governor of Louisiana and the former owner of the San Francisco 49ers football team.

Even more importantly, the evidence is clear that the arrival of full blown gambling in Ventura County, under the guise of “Indian Gaming,” would have a substantial negative impact upon the

quality of life throughout our County. For a portion of the profits, which are in fact monies captured by the gambling interests from the families of Ventura, Los Angeles, and Santa Barbara Counties, we would be selling the soul of this county. Like the ownership of the proposed card clubs, the ownership of the gambling interests proposing this casino, as well as the Indian tribe, have no connection to our community. Their profits will be at the expense of all Ventura County residents. Fool's Gold.



QUECHAN INDIAN TRIBE
Fort Yuma Indian Reservation

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August 22, 2003

Honorable Gale A. Norton
Secretary of the Interior
Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240

Honorable Aurene Martin
Assistant Secretary of the Interior for Indian Affairs
Department of the Interior
1849 C Street, N.W.
Washington D.C. 20240

Re: Opposition to Manzanita Band Gaming Development

Dear Secretary Norton and Assistant Secretary Martin:

The Quechan Indian Tribe of the Fort Yuma Indian Reservation, has learned of plans of the Manzanita Band of Diegueno Mission Indians of San Diego County, California ("Band"), to acquire land in trust for development of a gaming casino complex in Imperial County, California. News reports, quoting representatives of the Band, Imperial County, and others, state that the development would include a golf course, hotel, and shopping, in addition to a 2,000 machine casino. The complex would be located on what is now non-Indian, non-trust, non-reservation land near the Interstate 8 - State Route 111 intersection, east of El Centro.

The Quechan Indian Tribe is extremely concerned with the impacts such development would have on the Tribe's interests and well being. As you know, the Quechan Indian Tribe is the only federally recognized Indian tribe with a reservation and Indian trust land in Imperial County. For the reasons stated below, the Quechan Indian Tribe will adamantly oppose any attempt by the Manzanita Band to infiltrate the Quechan Tribe's gaming market territory.

The Quechan Reservation extends approximately seven miles west of the city of Yuma into California along the north side of the Interstate 8 corridor. Most of the land within the Interstate 8 corridor is tribal trust land and is prime land for development by the Tribe to foster our economic self-sufficiency and self-governance goals. Included in the Tribe's future development plans is a casino gaming complex within the Interstate-8 corridor west of Yuma. The proposal of the Manzanita Band and its non-Indian developers would conflict with the Quechan Tribe's current gaming operation as well as its future plans.

Secretary Norton
Assistant Secretary Martin
August 22, 2003
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The Quechan Indian Tribe owns and operates the Paradise Casino on our Reservation. We estimate that approximately 30 percent of the customer base of the Paradise Casino comes from the central Imperial County area that includes El Centro, Calexico, and Mexicali. The proposed Manzanita Band casino would lie well within the 50-mile market radius of our Reservation. Unlike casinos that operate in heavily populated urban areas, the Quechan Paradise Casino relies on a much larger, sparsely populated geographical market area. During at least one-half of the calendar year, the population of the greater Yuma area is not enough to sustain the existing Paradise Casino and nearby Cocopah Casino. Approval of a third casino within this limited market area would be economically disastrous for the Quechan Indian Tribe and would reverse the many achievements of the Tribe since 1996 and the social, economic, and cultural gains that have resulted from gaming.

Since the opening of our Paradise Casino, our Tribe has made dramatic progress. With casino revenues available to the Tribe, we have reached unprecedented levels of achievement in infrastructure development, land acquisition, health care, education, and provision of governmental services and economic development. To lose those advantages now would mean a giant step backwards for the Quechan Tribe to the detriment of our people's health and welfare and the future of our children.

The Fort Yuma Indian Reservation is part of our Quechan homeland. We have been here for thousands of years along the Colorado River and surrounding lands. The Manzanita Band has a reservation of its own in the mountains of central San Diego County. To allow the Band to encroach upon our territory and our markets would be grossly unfair to the Quechan Indian Tribe and a slap in the face to the Tribe's long history of accomplishment in Imperial County.

When Indian tribes first began developing gaming and when Congress passed the Indian Gaming Regulatory Act in 1988, the purpose and intent was for tribes to operate gaming within their jurisdictional boundaries. Special exceptions were made for tribes that are landless or that have only a minimal land base to sustain economic growth. However, even then, acquisition of land in trust for gaming purposes has been severely restricted, generally limited to land acquisitions within existing reservations or that are contiguous to a tribe's existing reservation. Allowing the Manzanita Band to establish a gaming casino in Imperial County would be contrary to this sound policy and underlying legal principles.


Revenue sharing is one way that small tribes with little land base or little opportunity for gaming can obtain some of the benefits of gaming. The California compact includes a tribal revenue sharing provision for that very purpose. The California compact and authorizing legal authority does not anticipate that tribes will go outside of their traditional areas, outside their reservations, into the traditional areas and marketing areas of other tribes, to conduct gaming in direct competition with other tribes. For that reason, we will also request that the governor of California exercise his power to veto the Manzanita's plan for casino land acquisition in Imperial County.

We are mindful that there are numerous environmental and other federal law hurdles that must be overcome by the Manzanita Band before this proposed trust acquisition can become reality. The Quechan Indian Tribe is currently embroiled in a battle to save our rights to water from the Colorado River in the litigation known as *Arizona v. California* pending before the United States Supreme Court. Water in Imperial County is scarce. Available water for additional development is rare. It is not at all clear where the Manzanita Band intends to get its water to support the proposed complex. The Band has no water rights in Imperial County. Our water rights have been recognized by the United States Supreme Court and are currently being quantified. Those rights may be infringed upon by other development in the east Imperial County area. The Manzanita proposal may interfere with those rights as well. All of these things must be taken into consideration before any governmental agency gives any serious consideration to the Manzanita proposal.

Finally, we understand that the Manzanita Band is preparing a proposal to take to the Imperial County Board of Supervisors. We assume that that proposal will be public record and will be available to the Quechan Indian Tribe. We therefore request a copy of any and all submittals made by the Manzanita Band to Imperial County, the Bureau of Indian Affairs, the state of California, or any other local, state, or federal governmental agency, and that we be given appropriate notice of all hearings, meetings, or other public activities involving the Manzanita Band's proposal.

Sincerely yours,

QUECHAN INDIAN TRIBE


Mike Jackson Sr., President

cc: Sherry Cordova, Chairwomen, Cocopah Indian Tribe of Arizona
Manzanita Band of Diegueno Mission Indians
Clay Gregory, Acting Regional Director, Bureau of Indian Affairs
Richard Fielitz, Acting Superintendent, Bureau of Indian Affairs
Sam Rideshorse, Superintendent, Ft. Yuma Field Office
Wayne Nordwall, Director, Phoenix Area Office
Imperial County Board of Supervisors
Wally Leimgruber, District 5 Supervisor,
George Skibine, Director, Indian Gaming Management Staff
Honorable Gray Davis, Governor of the State of California
Honorable Barbara Boxer, United States Senate
Honorable Diane Feinstein, United States Senate
Honorable Jim Battin, California State Senate
Honorable Bonnie Garcia, California State Assembly
Honorable Bob Filner, United States House of Representatives

Jim Shinn, LCSW
1037 Sandalwood Drive
El Centro, CA 92243
(760) 353-5059

March 28, 2008

Attn: Amy Dutschke
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

I have some comments about the proposed casino in the Calexico community:

- 1) In the election that gave the go ahead on the casino, 1,700 persons voted for it and 1,400 against it. This is in a community of 35,000. The gambling interests spent over \$100,000 on this election, even offering a half dozen doughnuts for people who vote. Even with their attempts to buy the election, a very SMALL percentage of the community supported the casino in the vote. This was not democracy in action. If the No to the casino had that much money to spend, you would have seen a radically different election outcome!
- 2) I am a junior high counselor in Calexico and addictions specialist. I also teach at San Diego State University. This casino will be bad for families but good for the gambling industry. The negative affect on families by cancer and addictions to gambling, far outweigh the economic benefits. I counsel children and the casino will bring harm to the children in my school district.
- 3) Jobs in smoking environments are unhealthy for workers and consumers. We the taxpayers will end up paying for the health care costs of consumers who lose their savings, and workers who get sick, and lose their jobs and benefits.
- 4) We have several casinos an hour in each direction (to the east, west and north of us). Let's support those that already exist, rather than build new casinos. People who want to gamble, already have access by their car or the many buses that transport gamers to the casinos.
- 5) It is no surprise that the gambling interests chose Calexico for their site. So many casino jobs will be going to Mexicali residents, that the valley will not even experience all the benefits of the jobs.
- 6) One casino, Golden Acorn is an hour to the west of El Centro. Every two months or so, they advertise for opening in 10-15 areas. This is the result of employee turnover. We want good jobs in Imperial Valley. These jobs will kill local employees as well as the many who come from Mexicali who come and are willing to work in a smoke filled environment.
- 7) I have worked on Indian Reservations, both the Pala in S.D. County and in Imperial County over by Winterhaven. Let's keep gambling on the reservations where the employment opportunities more likely to go members of the different tribes. The Calexico casino, may bring money to tribes, but not employment. I believe that does a disservice to the tribes, but plays right into the hands of the gambling industry.

I am sorry I missed the community forum, but these are the comments I would have shared. Thank you for your attention to this matter and feel free to call if you have questions.

Sincerely,

Jim Shinn LCSW

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April 3, 2008

Amy Dutschke
Acting Regional Director
Bureau of Indian Affairs
2800 Cottage Way
Pacific Regional Office
Sacramento CA 95825

Re: DEIS Scoping Comments, Manzanita Band of Kumeyaay Indians,
60.8 Acre Fee to Trust Casino Project, Calexico, California

Dear Ms. Dutschke:

On behalf of the Quechan Tribe of the Fort Yuma Indian Reservation, California and Arizona, we are submitting the following written comments in response to the Bureau of Indian Affairs' Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Manzanita Band of Kumeyaay Indians Fee-to-Trust Transfer and Casino Project, Calexico, Imperial County, CA. 73 Fed. Reg. 12203-12204 (Mar. 6, 2008). These written comments supplement verbal comments made on behalf of the Quechan Tribe at the public scoping meeting held in El Centro, California on March 27, 2008.

A. The Proposed Manzanita Casino at Calexico Will Result In Significant Negative Economic Impacts to the Quechan Indian Tribe.

The Quechan Indian Tribe strongly opposes the Manzanita Casino Project because of the economic harm it will cause to the Tribe and its members. The Quechan Indian Tribe is one of only two federally recognized Indian tribes with a reservation and Indian trust lands in Imperial County, California. The Tribe's Fort Yuma Reservation is located approximately 50 miles east of Calexico. The Reservation was established by Executive Order on January 9, 1884. The Tribe has operated the Paradise Casino-California on tribal trust land within the California portion of the Fort Yuma Reservation since 2002. The Tribe also operates a second casino in the Arizona portion of its Reservation. The Arizona casino opened in 1998.

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Amy Dutschke, Acting Regional Director
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The Tribe is currently building a new Casino-Hotel Resort facility on Interstate 8 in the western portion of the Tribe's Reservation. The Casino Resort will be located on tribal trust land that has been part of the Reservation since 1884. The Tribe is investing hundreds of millions of dollars in this new facility. Both the Tribe's existing Casinos and the Casino Resort under construction will provide jobs, training opportunities, funding for essential tribal governmental services, and significant economic benefits to the Tribe, its members, and the surrounding non-Indian communities, including Imperial County.

Imperial County, and particularly central and eastern Imperial County, lie within the Quechan Tribe's zone of economic interest as well as within the Tribe's ancestral and traditional territory. The proposed Manzanita gaming facility will attract patrons primarily from the El Centro and Calexico/Mexicali market, a market that parallels the Quechan Tribe's existing market. The Tribe's market show that 20% of more of the Quechan Tribe's Casino patrons come from the Calexico/Mexicali area.

Regulations promulgated by the Council on Environmental Quality (CEQ) at 40 C.F.R. § 1508.8 provide the environmental impacts or effects include economic effects, whether direct, indirect, or cumulative. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, the environmental impact statement must discuss all of these effects on the human environment. 40 C.F.R. § 1508.14. A foreseeable, direct, and cumulative effect of the proposed fee-to-trust acquisition for gaming purposes will be the development and operation of a large gaming facility, outside of any tribe's reservation, and will have a substantial and detrimental economic impact on the Quechan Indian Tribe as a nearby reservation tribe.

An analysis of these economic impacts should include, at a minimum, an analysis of the loss of gaming income to the existing resident Tribe, the loss of tribal employment to the existing resident Tribe, the loss of benefits to the existing resident Tribe from tourism and other non-gaming activities, the loss of governmental services from the projected decrease in tribal gaming income to the existing resident Tribe and its members, and the negative impact on the relationship between the existing resident Tribe and the non-Indian communities.

B. Section 20 of the Indian Gaming Regulatory Act Requires That Interior Conduct Meaningful Government-to-Government Consultation with the Quechan Indian Tribe.

Section 20 of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719(b)(1)(A) provides that in determining whether a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, the Secretary must consult with the Indian tribe and appropriate state and local officials, "including officials of other nearby Indian tribes." The Quechan Tribe, as a "nearby Indian tribe" must be actively and meaningfully consulted throughout the NEPA process and throughout the Secretary's Section 20 determination on whether or not to take the land into trust for gaming purposes.

Amy Dutschke, Acting Regional Director
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In addition, the Department of the Interior manual, 516 DM 10, Section 10.3A(2)(a), Guidance to Tribal Governments on the NEPA Process, provides that "Tribal governments may be applicants, and/or be effected by a proposed action of BIA or another Federal agency. Tribal governments affected by a proposed action shall be consulted during the preparation of environmental documents and, at their option, may cooperate in the review or preparation of such documents." (Emphasis added.)

The Quechan Tribe hereby provides notice to the Bureau of Indian Affairs that the Bureau must engage in meaningful government-to-government consultation during the preparation of the environmental documents in this matter, and the Tribe chooses to exercise its option to cooperate in the review and preparation of such documents.

In March 2005, the Department of the Interior issued a "Checklist for Gaming Acquisition," which, among other things, requires consultation with "nearby tribal officials" in determining whether or not to approve a Section 20 land acquisition for gaming purposes. The term "nearby tribal officials" includes tribal governing bodies of all tribe with Indian lands located within 50 miles of the site of the proposed trust acquisition. The Quechan Tribal Council, the governing body of the Quechan Indian Tribe, includes "nearby tribal officials." At a hearing before the Senate Committee on Indian Affairs on February 28, 2006, George T. Skibine, Acting Deputy Assistant Secretary-Indian Affairs for Policy and Economic Development, stated, in referring to the Department's "Checklist for Gaming Acquisitions and IGRA Section 20 Determinations" that as part of the fee-to-trust review, Interior should examine the "potential impacts on economic development, income, and employment; costs of impacts and source of revenue to mitigate these impacts."¹

In this instance, a tribe with an existing reservation in the mountains of San Diego County seeks to enter the Quechan Tribe's gaming market at a location in Imperial County to which the Manzanita Band has only tentative historic connection and virtually no current connection. Such attempts at "reservation shopping" have created controversies throughout the country and have caused significant backlash by non-Indians against Indian gaming in general. The Quechan Tribe and its ancestors have resided within the vicinity of the Fort Yuma Reservation for many hundreds, if not thousands of years. The Fort Yuma Reservation was created in Executive Order in 1884 within the traditional homeland of the Quechan Tribe. If the Quechan Tribe's significant economic advances over the last ten years are allowed to be undermined by direct competition from the Manzanita Band within the Quechan Tribe's market area and economic zone of interest, the Quechan Tribe cannot simply relocate to another market area. These factors must be given considerable weight in both the NEPA and the Section 20 process, and meaningful government-to-government consultation with the Tribe must take place.

¹ Interior's proposed regulations for trust acquisitions for gaming purposes, issued in November, 2006, define "nearby Indian tribes" as an Indian tribe within 25 miles rather than 50 miles. Interior's efforts to narrow the definition of "nearby Indian tribes" would provide less protection to existing reservation Indian tribes with gaming facilities in the relevant market than prior draft regulations circulated in 2005. The 2006 proposed regulations are not final.

Amy Dutschke, Acting Regional Director
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C. The Quechan Tribe's Market Area and Economic Zone of Interest Extend Well Beyond 50 Miles to the West of the Quechan Tribe's Fort Yuma Reservation.

Unlike casinos that operate in heavily populated urban areas, the Quechan Tribe's Casinos rely on a much larger, sparsely populated geographical market area. Calexico lies approximately 50 miles from the Quechan Tribe's Reservation. Nearby Indian tribes such as the Quechan Tribe should be included within the "surrounding community" analysis required under Section 20 of IGRA. Notwithstanding the policy definition of "nearby Indian tribes," which relies only on proximity in miles, the term should also include any tribe with an existing gaming establishment on its Indian land that derives a substantial number of its casino patrons from the same geographical market area as a proposed gaming establishment and that would be economically impacted by the proposed gaming establishment. The term "surrounding community," as that term is used in Section 20, should include nearby Indian tribes, as defined.

D. State and Federal Policy Disfavor Off-Reservation Land Acquisitions for Gaming Purposes.

Current federal policy disfavors off-reservation gaming. This is especially true where such gaming interferes with an existing on-reservation gaming operation. Under the Part 151 regulations for trust acquisitions, the distance of the land proposed for fee-to-trust acquisition from the boundaries of the reservation of the tribe seeking such acquisition, shall be considered as follows: As the distance between the tribe's reservation and the land to be acquired increases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. 25 C.F.R. § 151.11(c). Further, in his proclamation of May 18, 2005, on the federal acquisition of off-reservation lands for gaming purposes within California, Governor Schwarzenegger stated that he will consider requests for gubernatorial concurrence under Section 20 of IGRA, that would allow a Tribe to conduct Class III gaming on newly acquired lands, only if certain criteria are satisfied. One of those criteria is that "the project substantially serves a clear, independent public policy, separate and apart from any increased economic benefit or financial contribution to the state, community, or the Indian tribe that may arise from gaming."

The Quechan Tribe submits that these policy considerations must also be considered by the Bureau of Indian Affairs and Interior throughout the NEPA and the Section 20 process and should be addressed in government-to-government consultation with the Quechan Tribe.

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If you require additional information on this important matter, please contact the undersigned or Mike Jackson Sr., President, Quechan Indian Tribe, Fort Yuma Indian Reservation, P.O. Box 1899, Yuma, AZ 85366-1899, Tel: 760-572-0213, Fax: 760-572-2102.

Sincerely,

MORISSET, SCHLOSSER, JOZWIAK & MCGAW



Frank R. Jozwiak
Attorneys for the Quechan Tribe
of the Fort Yuma Indian Reservation

cc: Mike Jackson Sr., President, Quechan Indian Tribe
Keeny Escalanti Sr., Vice President, Quechan Indian Tribe
Members of the Quechan Tribal Council

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

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*Flex your power!
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April 4, 2008

Amy Dutschke
Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

RE: Department's Comments to Manzanita Band of Kumeyaay Indians Notice of Intent Published at
Volume 73 of the Federal Register, Number 45 at page 12203, dated March 6, 2008

Dear Ms. Dutschke,

The California Department of Transportation (Caltrans) submits the following comments in response to the Notice of Intent to prepare an Environmental Impact Statement for the proposed Manzanita Band of Kumeyaay Indians Fee-To-Trust Transfer and Casino Project, Calexico, Imperial County, CA. The project site is situated in the southwest quadrant of State Route 111 (SR-111) and Jasper Road and is located within the site of the City of Calexico's proposed 111 Calexico Place commercial highway development project. Caltrans has the following comments:

1. Please forward future studies, including the traffic analysis, to Caltrans for our review to determine any potential impacts to State facilities. Please use as a guideline the Caltrans Guide for the Preparation of Traffic Impacts Studies (enclosed). Minimum contents of the traffic impact study are listed in Appendix "A" of the Caltrans guide.
2. All analysis done on State-owned facilities must use Caltrans requirements if the Lead Agency's requirements differ from Caltrans as outlined in Caltrans Guide for the Preparation of Traffic Impact Studies. The Level of Service (LOS) for operating State highway facilities is based upon Measures of Effectiveness (MOE) (see Appendix "C-2" of Caltrans Guide). Caltrans endeavors to maintain a target LOS at the transitions between LOS "C" and LOS "D" (See Appendix "C-3" of Caltrans Guide) on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the Lead Agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than the appropriate target LOS, the existing MOE should be maintained. In addition, all State-owned signalized intersections should be analyzed using the Intersecting Lane Vehicle (ILV) procedure from the Caltrans Highway Design Manual, Topic 406, page 400-21.
3. The geographic scope examined in the traffic study must include State highway facilities where the project will add over 100 peak hour trips. State highway facilities must also be analyzed in the scope of the traffic study for projects that add 50 peak hour trips in areas that are near capacity or unacceptable service

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levels. A focused analysis may be required for project trips assigned to a State highway facility that is over capacity and experiencing significant delay, or if there is an increased risk of a potential traffic hazard.

4. Any direct and/or cumulative impacts to the State highway system must be eliminated or reduced to a level of insignificance pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) standards. Cumulative impacts of a project, together with other related projects, must also be considered and analyzed when determining a project's impacts. Mitigation measures to State facilities must be included in the environmental studies and traffic impact analysis. Mitigation identified in the traffic study, subsequent environmental documents and Mitigation Monitoring Reports, must be coordinated with Caltrans to identify and implement the appropriate mitigation, this includes the actual implementation and collection of any "fair share" monies. The city should monitor actual cumulative impacts to insure that roadway segments and intersections remain at an acceptable LOS. Should the LOS reach unacceptable levels, the city should delay the issuance of building permits for any project until the appropriate impact mitigation is completed. Mitigation improvements to SR-111 should be compatible with Caltrans concepts and improvements. Coordination efforts to complete mitigation improvements near or at the same time will also help to minimize impacts to the driving public.

5. The Caltrans 2002 Imperial County Transportation Plan Highway Element (ICTP) calls for the upgrade of SR-111 between SR-98 and I-8 to a Freeway facility with interchanges at several locations. It is anticipated that the SR-111/Jasper Road intersection will be a grade separated interchange. Analysis in the traffic study must include short-term analysis and mitigation, as well as future long-term upgraded freeway analysis. Right-of-way considerations for a future interchange facility should also be analyzed and addressed in the environmental document.

6. No access will be provided from SR-111 except from Jasper Road. Any access from Jasper Road must meet the minimum requirements for a freeway interchange, which is planned for the intersection. Proposed access on Jasper Road should conform to standards outlined in the Highway Design Manual (HDM) Section 504.3 Ramps: For new construction or major reconstruction of interchanges, the minimum distance (curb return to curb return) between ramp intersections and local road intersections shall be 400 feet. The preferred minimum distance should be 500 feet.

7. Grading from this proposed project which would modify existing drainage and increase runoff to SR-111 will not be allowed.

8. All lighting within this project should be placed and/or shielded so as not to be hazardous to vehicles traveling on SR-111.

9. Caltrans will not be held responsible for any noise impacts to this development, including from the ultimate configuration of SR-111.

10. All signs visible to traffic on SR-111 need to be considered in compliance with county and state regulations.

11. Please note that an Encroachment Permit issued by the State Department of Transportation shall be required for any work performed within the State highway right-of-way, for any required access to the

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State highway system, or any change-in-use to an existing Encroachment Permit. Additional information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with Caltrans is strongly advised for all encroachment permits.

12. If a developer proposes any work or improvements within the Caltrans right of way, the projects environmental studies must include such work. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for the impacts. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resource agencies for the improvements.

Sincerely,

for 

BILL FIGGE
Deputy District Director,
Planning Division



CITY OF CALEXICO

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www.calexico.ca.gov

April 7, 2008

Ms. Amy Dutschke, Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, California 95825

RE: Calexico Manzanita Kumeyaay Casino Public Scoping Meeting
Thursday, March 27, 2008
County of Imperial Board of Supervisors Chambers

Dear Ms. Dutschke:

First of all, my apologies for not being able to attend the Calexico Manzanita Kumeyaay Casino Public Scoping Meeting held in El Centro, California on March 27, 2008. Due to circumstances beyond my control I was unable to enter the building in a timely manner and able to speak as did all others. I would very much like to request that you regard this letter as my public Official Statement regarding the above.

To begin with, I was one of two City of Calexico elected officials who was instrumental in negotiating the casino concept and the proposed site with the Manzanita Band of Kumeyaay Indians (Tribe). Additionally, I also was involved with spearheading the successful city election which fully endorsed the Casino concept. I was of the opinion then and still believe that the proposed gaming establishment is in the best interest of the Tribe and its members and certainly not detrimental to the City of Calexico and surrounding communities. The magnitude of the proposed Casino is incredible and the benefits to be derived are beyond my imagination. Jobs, entertainment venues and educational benefits to the Tribe members are key factors as to why I engaged in the negotiations. The domino effect on the economy will be felt county-wide.

Yes, I am aware of public concern regarding the off-reservation gaming request and because of this, I have been actively engaged in promoting the positive elements of the proposed gaming establishment in Calexico.

Viva Calexico!

With respect to the Environmental Impact Statement I would like to mention that traffic and visual aesthetics are of concern to me and should be addressed at length in the report. I believe that Staff and Tribe members will be addressing other key environmental elements such as noise, air quality, biological resources, socio-economic issues, to include preventive projects and programs, etc.

I would like to take this opportunity to thank you for allowing the public to comment on the proposed gaming establishment and I certainly would like to personally thank you for allowing me to express my views.

If you have any questions regarding this letter or my role with the proposed Casino, please feel free to contact me at 760.768.2110 (Calexico City Hall) or 760.455.0287 (cell).

Sincerely,



Ms. Carmen Durazo
Mayor Pro-Tem

LOZANO SMITH

801 South Figueroa Street, Suite 450 Los Angeles, California 90017
 Telephone: (213) 929-1066 Fax: (213) 929-1077

**DATE:** April 7, 2008**CLIENT/MATTER:** 01640-005

TO: Amy Dutschke
 Acting Regional Director Pacific Regional
 Office
 Bureau of Indian Affairs
 Phone: (916)
 Fax: (916) 978-6055 *6094 4/8/08*

Original will follow

FROM: Trevin E. Sims
 Lozano Smith - Los Angeles Office

PAGES: 27 (includes this cover sheet)

RE: DEIS Scoping Comments, Manzanita Band of Kumeyaay Indians, 60.8 Acre
 Fee-To-Trust Casino Project, Calexico, California

If you do not receive all pages or if the pages are not legible, please call (213) 929-1066.

MESSAGE:

TO: [redacted]
 FROM: [redacted]
 SUBJECT: [redacted]
 DATE: [redacted]
 TIME: [redacted]

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LOZANO SMITH

Partnering For Excellence In Education and Government

Trevin E. Sims

E-mail: Talsm@lozanosmith.com

April 7, 2008

By U.S. Mail & Fax: (916) 978-6055

Amy Dutschke
Acting Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95825

Re: DEIS Scoping Comments, Manzanita Band of Kumeyaay Indians, 60.8 acre fee-to-trust
Casino Project, Calexico, California

Dear Ms. Dutschke:

We are legal counsel for the Calexico Unified School District ("District"). We submit the following comments on the above-referenced Project on behalf of the District.

The Manzanita Band of Mission Indians ("Tribe") is one of the five tribes that make up the Kumeyaay Indians. The Tribe consists of approximately 108 members and has its own reservation, which consists of approximately 4,580 acres of land in trust located in the City of San Diego. The Tribe seeks to develop a casino with 2,000 slot machines and a 200-room hotel in the City of Calexico ("City"), Imperial County. The Tribe has identified an approximately 60-acre parcel of land within the City, but not within the Tribe's current trust lands, for the Project.

The Tribe has made application to the Secretary of the Interior to approve placing the proposed Project land in trust. Among other impacts, the placement of the proposed land in trust would remove the land from local tax roles. Further, the influx of workers and new residents associated with the Project would impact the District's school facility and programmatic capacity.

As part of its trust application and to address the anticipated impacts of the Project, the Tribe entered into a memorandum of understanding ("MOU") with the City, dated April 4, 2006 ("Original MOU"). A copy of the Original MOU is enclosed for your reference. Among other things, Section 3.2 of the Original MOU provides that the Tribe will pay approximately \$2 million dollars per year in the form of a revenue sharing payment to the City ("the RSP"). Subsequent to the execution of the Original MOU, the Tribe, City and District had continued discussions regarding the need for additional mitigation measures to address the Project's anticipated impacts on the District. As a result of those discussions, the City, and District have recently agreed to a sharing of the RSP ("the RSP Agreement"). The County of Imperial

A Professional Corporation

801 South Figueroa Street, Suite 450 Los Angeles, California 90017 Tel 213-929-1066 Fax 213-929-1077
Fresno Los Angeles Monterey Sacramento San Ramon Vista

Amy Dutschke

April 7, 2008

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("County") and the Imperial Valley College ("IVC") are also parties to the RSP Agreement. Specifically, the parties have agreed to share the RSP as follows:

City:	42.2%
CUSD:	30.0%
County:	18.6%
IVC:	9.2%

This sharing arrangement is based on a "fair share" concept representative of the percentage of tax and assessment revenues each agency would ordinarily receive from the proposed trust land.

On March 7, 2008, the City attorney provided the District, IVC, and the County with a proposed Memorandum of Understanding memorializing the RSP Agreement and its terms. On March 27, 2008, we provided the City attorney with a revised draft of the RSP MOU with the District's proposed changes. On April 7, 2008, the City attorney advised us that the City Council had not made a decision regarding the District's proposed changes and would not do so until the City's April 14, 2008 council meeting. Further, the City attorney advised us that the City had not yet received any comments, revisions, or changes from IVC or the County.

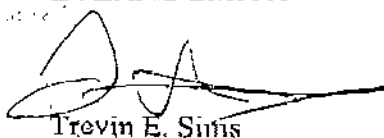
The District's goal and desire is for the parties to execute a final RSP MOU by May 1, 2008. With the execution of a final RSP MOU, the District believes the Tribe and City will have taken a substantial step in addressing the anticipated impacts of the Project on the District. The District reserves the opportunity to supplement these comments regarding the status of the proposed RSP MOU.

The District looks forward to a long and continued partnership with both the Tribe and City in addressing the challenges and capitalizing upon the opportunities presented by the Project.

The District is thankful for the opportunity to submit these comments. If you should have any questions or require further information, please do not hesitate to contact the undersigned.

Sincerely,

LOZANO SMITH



Trevin E. Sims

TRS/bmh

Enclosure

cc: David Alvarez, Superintendent, Calexico Unified School District
Jennifer Lyon, City Attorney, City of Calexico
John Kennedy, Tribe Representative
Ralph Cordova, County Counsel, County of Imperial

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MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made this 4th day of April, 2006, by and between the City of Calexico ("the City.") and the Manzanita Band of the Kumeyaay Nation ("the Tribe"), hereinafter also referred to as a "Party," or jointly, "Parties." The Tribe is recognized in the Federal Register as: Manzanita Band of Diegueño Mission Indians of the Manzanita Reservation, California.

RECITALS

WHEREAS, the Tribe will seek approval from the Bureau of Indian Affairs ("BIA") of an application pursuant to Section 5 of the Indian Reorganization Act, 25 U.S.C. § 465, the Indian Gaming Regulatory Act, 25 U.S.C. § 2701, *et seq.* ("IGRA"), and the National Environmental Policy Act, 42 U.S.C. § 4321, *et seq.* ("NEPA"), requesting that the United States accept trust title to a parcel in the City; and

WHEREAS, pursuant to a favorable vote by the citizens of the City in June 2005, the City and the Tribe seek to work together to mitigate impacts that a casino may have; and

WHEREAS, the Tribe intends to acquire land within the City to construct an Indian gaming Facility, however no specific parcel has been identified at this time; and

WHEREAS, this MOU is based on the estimated size and description of future development of an Indian gaming Facility in the City; and

WHEREAS, no specific timeline has been identified for construction of the Facility at this time; and

WHEREAS, the proposed action of the Tribe is not a City project and is not a project subject to the discretionary approval of the City and, therefore, is not subject to otherwise applicable California laws; and

WHEREAS, the City would not otherwise have any authority with regard to the Tribe's Trust Lands nor receive compensation for impacts resulting from the use of the trust land; and

WHEREAS, this MOU is intended solely as a funding arrangement between the Parties and is not a "project" as defined by the California Environmental Quality Act ("CEQA"); and

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WHEREAS, the City will perform any required environmental review for the proposed Indian gaming Facility at the earliest possible time that such review can be meaningfully accomplished; and

WHEREAS, given the uncertainty of approvals and timelines for the Indian gaming Facility, this MOU does not bind the City to providing any services at this time; and

WHEREAS, the City is prepared to support the Tribe's trust application to the United States if the Tribe enters into this enforceable MOU to mitigate the impacts of the development.

NOW, THEREFORE, the Parties agree as follows:

1. DEFINITIONS.

As used in this MOU, the terms listed below shall have the meaning as follows:

"Chair" shall mean the Tribal Chairman of the Tribe.

"Chief of Police" shall mean the Chief of Police of the City of Calexico.

"Class II Gaming" shall mean Class II Gaming as defined in the IGRA.

"Class III Gaming" shall mean Class III Gaming as defined in the IGRA.

"City Council" shall mean the governing body of the City of Calexico.

"City Manager" shall mean the City Manager of the City of Calexico.

"Compact" shall mean the Tribe-State Compact or any amendments thereto which the Tribe intends to negotiate and execute with the State of California regarding Class III Gaming, if and when executed between the Tribe and the State and approved pursuant to the IGRA; or such other compact that may be substituted therefore.

"Constitution" shall mean the duly enacted Constitution of the Tribe.

"Day" shall mean calendar day unless otherwise indicated.

"Effective Date" shall mean the date this MOU is approved by the last body authorized to approve this MOU on behalf of each Party. This MOU shall not become effective unless and until the following events have occurred: (i) this MOU has been approved by the City Council and signed by the City's representative; (ii) this MOU has been approved by the

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appropriate Tribal entity and signed by the Tribe's representative; (iii) the Tribe has adopted a Resolution of Limited Waiver of Sovereign Immunity substantially identical to Exhibit B attached hereto; and (iv) the Tribe's legal counsel has provided an opinion letter to the City to the effect that the waiver of sovereign immunity has been adopted in accordance with Tribal law and Federal law and is effective.

"Facility" shall mean the Indian gaming casino resort, including all future buildings, structures (temporary or permanent), hotels, restaurants, parking areas and other improvements; and all leased property, fixtures, furnishings and equipment attached to, whether existing on the Effective Date or not, forming a part of or used for the operation of gaming on land in the City.

"Fiscal Year" shall mean the period commencing July 1 of each year and ending on June 30 of the subsequent year.

"Gaming" shall mean any and all activities defined as Class II and Class III Gaming by the IGRA, NIGC Regulations, or the Compact.

"IGRA" shall mean the Indian Gaming Regulatory Act of 1988, PL 100-497, 25 U.S.C. section 2701 *et seq.*, as the same may, from time to time, be amended.

"JAMS" shall mean JAMS Endispute, or if not available, a similar organization identified by agreement of the Parties which provides professional dispute resolution services.

"Mayor" shall mean the Mayor of the City of Calexico.

"NIGC" shall mean the National Indian Gaming Commission.

"Permanent Facility" shall mean any permanent structure of the type described in Exhibit A attached hereto.

"Property" shall mean any land acquired by the Tribe in the City of Calexico prior to the land being taken into trust.

"State" shall mean the State of California.

"State Gaming Agency" shall mean the official, agency, board, or commission duly authorized to investigate, approve, and regulate gaming pursuant to the Compact or the Gambling Control Act (B&P §19800, *et seq.*) or successor statute.

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"Temporary Facility" shall mean any temporary structure placed on the Trust Lands by the Tribe in which gaming operations will be conducted.

"Term" shall mean the term of this MOU as described in Section 9.15, if required by the BIA.

"Trust Lands" shall mean any parcel of land that the Tribe acquires in the City and that is taken into trust by the United States for the benefit of the Tribe. The Parties acknowledge that the land, upon being taken in trust by the United States for the benefit of the Tribe, shall become subject to applicable federal law and shall be afforded the same status as other lands held in trust by the United States for federally recognized Indian tribes, subject to the terms and conditions of this MOU.

"Uniform Codes" shall mean collectively the uniform building code, fire code, plumbing, mechanical, electrical, and other related codes adopted by the City consistent with the State uniform codes.

2. PRELIMINARY PROVISIONS

2.1 Land to be Taken into Trust. The Tribe will request that the United States take into trust for its benefit certain land in the City. If the Tribe seeks to have additional land taken into trust for purposes related to gaming after construction of the proposed Facility, the Tribe agrees to negotiate a new MOU with the City to address the impacts of any new trust land acquisition.

2.2 Compliance with Applicable Laws. The Tribe shall enact laws applicable to the Trust Lands and shall require that the Trust Lands and Facility be used and developed in a manner that complies with all requirements of the Compact, and that is consistent with the City's general, specific and community plans, zoning ordinances, and design guidelines in effect at the time of construction of any development, to the extent that observance of such City plans, ordinances and guidelines does not infringe upon the internal self-government of the Tribe or its use of the Trust Lands. The Tribe shall adopt building standards as required by the Compact for the construction of a gaming facility, and prior to the use of any structures constructed on the Trust Lands, will provide written certification from the project architect that said structures have been constructed in accordance with said standards.

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The Tribe further agrees to use its Property for the operation of a Facility in conformity with the requirements of IGRA, consistent with the requirements of this MOU and all applicable State or federal laws, as described in Exhibit A attached hereto, unless and until this MOU is amended as provided herein.

The Tribe agrees to operate and maintain the Facility and Trust Lands as a first-class, high quality destination commercial gaming resort and continuously maintain all landscaping thereon in a healthy condition. The Tribe also agrees to remove any graffiti and/or waste matter in a timely manner. If the City finds the Facility and/or Trust Lands not to be so maintained, the City will send written notice to the Tribe, specifying with particularity the grounds of the complaint. If the City and the Tribe disagree as to this matter, either Party may seek to use the dispute resolution procedures as outlined in Section 8 of this MOU.

2.3. Environmental Review. The Tribe's application to have land taken into trust is not governed by State laws, and the Tribe is not required to submit its projects to the City for discretionary approvals. The Tribe does agree, however, to submit its future development plan for review and comment by the City staff prior to commencing any construction on the Trust Lands.

At this time, the Tribe has not purchased land within the City, and no trust application has been filed; therefore, no meaningful CEQA review can be done at this point by the City. The Parties agree that when the City initiates an environmental review process pursuant to CEQA related to any City approval of matters related to this MOU and/or any future construction by the City and/or the Tribe, the Tribe will compensate the City for the costs of environmental review in the same manner as any other similarly situated developer seeking to develop land within the City. The City will complete the environmental review process related to the City's extension of services contemplated in this MOU prior to such extension of services.

2.4 Temporary Facility. The Parties agree that a Temporary Facility may be utilized on the Trust Lands for gaming purposes prior to construction of the Permanent Facility for gaming. As long as economically feasible, the Tribe and the City agree to work cooperatively and expeditiously to pursue the construction of the Permanent Facility in a timely manner.

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3. COMPENSATION AND BENEFITS

3.1. Payments to City. The Parties agree that the following payments will be made to the City.

3.2. Revenue Sharing Payment. As compensation for the unspecified impacts to the City, the Tribe will make an annual Revenue Sharing Payment into the General Fund of the City in the amount of \$2,000,000.00 (two million dollars). The first payment, equal to 50% of the annual payment, will be paid to the City by the Tribe upon the issuance of an occupancy permit by the Tribe for any Temporary Facility. Thereafter, until the permit for the occupancy of the Permanent Facility is issued by the Tribe, the Tribe shall annually pay the City an amount equal to 50% of the total Revenue Sharing Payment on the anniversary date of the first payment. Once the permit for the occupancy of the Permanent Facility is issued by the Tribe, the Tribe shall pay the remaining 50% of the total Revenue Sharing Payment. Thereafter, the Tribe shall pay the City the total amount of the Revenue Sharing Payment, such payment to be made within 30 days of the one-year anniversary of the previous payment. Because the scheduling and timing of the construction of any Temporary or Permanent Facility is unknown, the parties do not intend to have the Tribe pay an amount which equals more than the amount of the total Revenue Sharing Payment in any one year. Therefore the Parties agree to adjust the scheduled payment date of the total Revenue Sharing Payment accordingly, if necessary.

In the event that the construction cost of the Permanent Facility exceeds \$200,000,000.00 (two hundred million dollars), the Tribe agrees to pay to the City annually, as an additional Revenue Sharing Payment, an amount equal to 1% (one percent) of the excess amount of the construction cost over \$200,000,000.00 (two hundred million dollars). Additionally, in the event that the Tribe shall construct any expansion of or addition to the Permanent Facility that has the effect of increasing the amount of floor space inside the Permanent Facility that is devoted to gaming by 5% (five percent) or more, the Tribe agrees to pay to the City annually, as an additional Revenue Sharing Payment, an amount equal to 1% (one percent) of the cost of construction of any such expansion or addition.

After the Permanent Facility is in operation as a gaming facility, the Revenue Sharing Payment will be adjusted annually to reflect the current rate of inflation. This adjustment for inflation will thereafter be made on a yearly basis. Further, the City agrees that if another competing gaming facility is established within the United States which is located within

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Twenty-five (25) miles of the Manzanita Tribe's Facility, the Revenue Sharing Payment will be decreased to one million annually, with annual adjustments for the rate of inflation.

3.3 Permanent Fire Station.

A. The City anticipates the need for a fire station to be built on or near the Trust Lands. The station should be located at a site that will permit fire and emergency response to the Trust Lands within five (5) minutes of a call. The City estimates based on current costs that a fire station will cost approximately \$3,000,000.00 to construct. Based on the unknown location of the proposed Facility and the uncertain nature of the timing of any development, the exact method of construction of the fire station cannot be ascertained at this time. However, the Tribe agrees to pay its fair share of the cost of designing and constructing a permanent fire station based on a fair share assessment conducted by the City in accordance with applicable State law. The Tribe agrees that, at the request of the City, the Tribe will provide for the costs of the design and construction of a permanent fire station in an amount not to exceed \$3,000,000.00, with reimbursement from the City to be given to the Tribe, as is customarily done with other developers in the City. In such case, the City will reimburse the Tribe for any money that the Tribe pays beyond its fair share after adjoining landowners have paid their fair share to the City for the construction. In the event that the parties agree to utilize a temporary fire station until a permanent fire station can be constructed, the Tribe agrees to pay the costs of a temporary fire station. Construction of a fire station shall be commenced at a time that permits it be fully operational on the scheduled opening date of any temporary or permanent gaming facility to be located on the Trust Lands, provided however, that a temporary station shall be considered sufficient for this requirement.

B. Should it become necessary, the Tribe agrees to negotiate in good faith with the City for a lease agreement for a portion of the Trust Lands to be used for the placement of a temporary or permanent fire station. With respect to any land so provided by the Tribe, the Tribe shall receive a credit for the difference between the fair market rental value of the land and the rate at which the land is leased to the City. The full amount of any such credit will be applied to the benefit of the Tribe to offset its obligation for the construction expenses referenced in Section 3.3. A above, provided that such credit shall be given only towards construction of a permanent fire station. Furthermore, once the credit fully covers the amount of the Tribe's fair share assessment, the Tribe will no longer be entitled to any such credit and the City will no longer be

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required to pay a lease payment for use of the land, unless a lease payment is required by the Bureau of Indian Affairs or other federal agency.

3.4. Roads and Traffic Circulation. The Tribe will conduct a traffic study to determine the traffic impacts of its proposed use of the Trust Lands prior to development of a Temporary and Permanent Facility. The Tribe will mitigate traffic and circulation issues from the Facility in compliance with the Compact, which requires that such mitigation be consistent with existing local standards. The Tribe acknowledges that if any street improvements are required, that the Tribe will pay for the costs of those improvements, including City staff time to research and process these issues, in the same manner as any other developer in the City would be required to do. The Tribe further agrees that if any existing roads must be expanded due to the increase in traffic caused by the Tribe's use of the Trust Lands, the Tribe will grant rights-of-way to the City to the extent required to accommodate the expansion. All amounts spent by the Tribe for the construction of any infrastructure that qualifies towards the City's circulation plan will be credited towards the Development Impact Fees ("DIF Fees") due.

3.5 Development Impact Fees

A. The Tribe agrees to pay a one-time payment to City for DIF Fees pursuant to City's approved rates and process. The Tribe agrees to pay DIF Fees at the rate that is operative and in force and effect on a citywide basis for all the Facilities constructed on the Trust Lands. Upon issuance of a construction permit for the Temporary Facility, the Tribe will pay an amount no less than \$100,000.00 to the City for DIF fees. The total DIF Fee due for the Permanent Facility will be due upon the issuance by the Tribe of a permit for the construction of a Permanent Facility. Any money paid by the Tribe for DIF Fees prior to the construction of the Permanent Facility will be credited toward the total DIF Fees due for the Permanent Facility.

B. School District DIF Fees are regularly charged to projects located in the City at the rate specified in the California Government Code. The Tribe agrees to pay the City the applicable School District DIF Fee that is operative and in force and effect for the Calexico Unified School District. The City agrees to forward such payment to the Calexico Unified School District within thirty (30) days of receiving the payment from the Tribe. The Tribe shall pay the total amount for the school district DIF Fees upon the issuance by the Tribe of a permit for the construction of a Permanent Facility on the Trust Lands.

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3.6 Property Tax. The Tribe and the City acknowledge that, because of the status of the Trust Lands, the City will not have jurisdiction to require the payment of property taxes on the Trust Lands.

3.7 Hotel Revenue Sharing. The Tribe agrees to pay the City a Hotel Revenue Sharing payment at a rate equal to one-half of the rate of the City's then current Transient Occupancy Tax ("TOT") to be paid on a quarterly basis beginning the first quarter after the hotel is open. The Hotel Revenue Sharing payment will be derived from the applicable percentage of the revenue received from the actual occupancy figures from the rental of each hotel, motel, or lodging room. The amount of the Hotel Revenue Sharing payment shall not be adjusted unless and until the City's TOT rate is adjusted on a citywide basis. The Hotel Revenue Sharing payment shall not be applicable to rooms occupied by members of the Tribe, or to rooms that are furnished to casino patrons on a complimentary basis. The Tribe agrees that no more than forty percent (40%) of the hotel rooms will be furnished to guests on a complimentary basis during any calendar year. In return, the Tribe agrees to develop, promote and fund a marketing campaign promoting Calexico as a destination for tourists, at a cost equal to the amount of the Hotel Revenue Sharing payment, as described above, that is paid to the City on a quarterly basis. The Tribe can choose when in the year they would like to spend such marketing money, however on a yearly basis, the Tribe must spend an amount for marketing purposes that is equal to the yearly amount paid to the City as specified under this Section.

3.8 Sales Tax. The Tribe agrees to voluntarily collect the applicable sales tax that is in effect in the City of Calexico and remit the tax to the State.

3.9 Support for Public Facilities. The City has requested, and the Tribe agrees, that the Tribe will make an annual contribution to the City in the amount of two hundred fifty thousand dollars (\$250,000) to support the expansion of public facilities in the City. The initial payment shall be made to the City thirty (30) days after an occupancy certificate is issued by the Tribe for any Temporary or Permanent Facility. Thereafter, the payment shall be made on an annual basis, within 30 days of the one-year anniversary of the previous payment.

3.10 Measure J. The Tribe acknowledges that a bond measure known as Measure J has been approved by the citizens of the City for the benefit of the Calexico Unified School District. The Tribe agrees to pay an annual payment in an amount equal to the amount that

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would normally be paid for the Trust Lands if the lands were not held in trust for Measure I. The City agrees to accept that money and forward it to the School District within thirty (30) days of receiving the payment from the Tribe. The first payment will be due upon issuance by the Tribe of the occupancy permit for any Temporary or Permanent gaming Facility.

3.11 Tribal Foundation. The Tribe agrees to establish a foundation to which the Tribe will contribute an amount not less than \$100,000.00 (one hundred thousand dollars) per year. The foundation will be managed by a Board of Directors to consist of five total members. At least two of the Directors of the Foundation Board shall be non-tribal members who are City residents. The Board of Directors will determine how the money donated by the Tribe will be spent within the City. The purpose of the foundation is to facilitate or implement projects, programs and activities that benefit the residents of the City.

3.12 Fees and Other Charges. Both parties agree that once land is taken into trust by the United States for the benefit of the Tribe, local taxes and laws do not apply to the land. However, the Tribe has agreed to pay certain fees as set forth in this MOU at rates comparable to those paid by the developers of other commercial projects within the City pursuant to the following standards:

(a) The Tribe shall be responsible for paying the City's then current rates for utility services (e.g., water and sewer) consistent with other ratepayers within the City. Such rates may be increased from time to time by the City; provided, however, that any such increase must be consistent with the State law which governs increases in such utility rates.

(b) The City may request from the Tribe the payment of any mitigation fees necessary to reduce to less than significant levels the demonstrated significant environmental impacts of the Facility that are not mitigated by other means. The amount of any request for mitigation payments must be reasonably related to the Facility's actual contribution to the identified environmental impact.

(c) The Tribe will reimburse the City for reasonable staff time and other costs required to facilitate the City's drafting, adoption and implementation of this MOU.

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(d) Fees and charges other than those specifically described in this MOU may be applied to the Facility only in a manner agreed to by the City and the Tribe in writing during the term of this MOU.

3.13. Reservation of Tribal Status. Nothing in this MOU is intended to or shall operate to waive or impair the tax-exempt status of the Tribe under federal or State law; all such rights and privileges of the Tribe are reserved.

4. MUNICIPAL SERVICES

4.1. Fire Protection and Police Department Services. The Tribe will obtain and pay for Fire Protection Services and Police Department services for the Trust Lands and any Temporary or Permanent Facility under the terms of one or more service contracts to be negotiated between the Parties at a time in which the design and layout of the proposed Facility are more definite. Such service contracts will define the level of service requested by the Tribe and provide for funds for the City to provide such services. The fire and police service contracts shall be fully executed prior to the occupancy or use of any Temporary or Permanent Facility on the Trust Lands. The scope of services included in such contracts will comply with the requirements of the Compact. In the event that the Tribe establishes its own Fire Department and/or Police Department, the service contracts with the City will be adjusted accordingly.

The City Police Department shall have authority to enforce State and local criminal laws on Trust Lands to the extent authorized by Public Law 280. The City Police Department will make every reasonable effort to coordinate and cooperate with appropriate Tribal officials during the investigation or enforcement of any criminal actions except when, in the good faith and reasonable judgment of the law enforcement officers involved, their safety, or the integrity of an investigation or enforcement action, would be materially compromised by doing so. The Tribe also agrees that they will make every reasonable effort to coordinate and cooperate with City law enforcement officials during the investigation or enforcement of any criminal actions, however in no case will the Tribe be required to cooperate in a manner that is inconsistent with the status of the Manzanita Band as a sovereign government, or that impairs or infringes upon the sovereign immunity of the Tribe.

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4.2. Sewer and Water Service.

A. The Tribe shall provide for sewage disposal for the Trust Lands and the Facilities thereon, by connection to the City's existing sewer collection system. The Tribe will pay fees and/or fair share assessments, obtain required easements for sewer infrastructure, construct to City sewer infrastructure standards, and dedicate to the City such sewer infrastructure, to the same extent any other developer in the City would be required to do so. Sewer service must be completed and inspected pursuant to this MOU and the service contracts described in Section 4.1 must be executed prior to any use occurring on the Trust Lands. Any approvals by the City required to implement this Section shall not be unreasonably withheld, and the standards referred to in this Section shall be substantially identical to those applied to similarly situated users.

B. The Tribe shall obtain its water supply for the Trust Lands and the Facilities thereon from the City municipal water system and shall conform to all standard requirements imposed by the City. The Tribe will pay fees and/or fair share assessments, obtain required easements for water infrastructure, construct to City water infrastructure standards, and dedicate to the City such water infrastructure, to the same extent any other developer in the City would be required to do so. Water service must be completed and inspected pursuant to this MOU and the service contracts described in Section 4.1 must be executed prior to any use occurring on the Trust Lands. Any approvals by the City required to implement this Section shall not be unreasonably withheld, and the standards referred to in this Section shall be substantially identical to those applied to similarly situated users.

C. The Tribe shall acquire the Trust Lands subject to all existing City rights-of-way and easements for the provision of sewer and water.

4.3. Solid Waste Disposal. The Tribe shall contract for solid waste disposal with the City's franchised waste hauler, however waste disposal services must be provided at the same rates as are charged for comparable uses.

4.4. Emergency Disaster Services. Not later than ninety (90) days before the public opening of any casino or related facilities constructed on the Trust Lands, and not less than annually thereafter, the City and the Tribe shall mutually develop a plan for meeting the reasonably expected emergency response needs of the Facility in the event of a disaster. The

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plan shall be consistent with State and Federal mandates that are applicable to the Tribe, and shall be approved by the Tribal Government, City Manager, Police Chief and Fire Chief. The Tribe agrees to provide information to the City regarding the safety elements of the Facility and the location of any emergency or disaster preparedness equipment within the Facility. The term "disaster" includes fire, earthquake, or other natural or man-made event that might reasonably be expected to occur and involve the Facility, and that might reasonably be expected to cause catastrophic loss of life or injury. Annually, or upon reasonable request by the Tribe, the State, or the City, the parties agree to conduct an updated assessment of the need for disaster emergency response services at the Facility. If such an assessment is made at the request of the Tribe, it shall be at the Tribe's expense; otherwise the cost of performing the assessment will be borne by the government or agency requesting the assessment.

5. ECONOMIC DEVELOPMENT

5.1. Employment of City Residents. The Tribe shall work in good faith with the City to employ qualified City residents at the Tribe's Facility to the extent permitted by applicable law. The Tribe shall offer, or cause to be offered, training programs to assist City residents to become qualified for positions at the Tribe's Facility to the extent permitted by applicable law. The Tribe agrees to provide information to the City on an annual basis to demonstrate the percentage of the Facility's workforce that are City residents. Nothing in this Section shall be interpreted to limit or modify in any way the Tribe's policy of Indian preference in employment.

6. GAMBLING REGULATION

6.1. Allowed Gaming Age in Casino. The City has requested, and the Tribe agrees, that the gambling age in the casino will be restricted to twenty-one (21) years of age or older.

6.2. Problem Gambling. The Tribe will establish and maintain a comprehensive program to address and prevent problem gambling. The program will include: 1) training of all casino managers to recognize the signs of problem gambling; 2) posting of the problem gambling hotline number in the casino; 3) making flyers and other information available to all casino patrons; 4) making voluntary contributions to organizations that assist people with gambling problems in the Calexico area; and 5) paying into the State fund to mitigate problem gambling, as required by the Compact. The City and the Tribe agree that it is in the best interest of the two governments to work cooperatively to develop a plan to identify and address the impacts of

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problem gambling within Calexico. The parties will jointly research existing programs, quantify the needs within the City, design an appropriate program, identify funding requirements, and locate and acquire funding for the program. The City and the Tribe will each appoint a representative to lead the cooperative effort. The representatives will meet periodically to develop the plan. The City and the Tribe agree to cooperate in efforts to reach out to other gaming and health service providers for funding assistance for the program; such sources include, but are not limited to, the State of California, tribal gaming operations, card rooms, racetracks, lotteries, public agencies, grants and private funding.

7. OPERATIONS

7.1. Security. The Tribe shall employ and continuously maintain an adequate security and surveillance force at the Facility to reasonably secure from theft, injury, or threat thereof, the person and property of patrons, contractors, licensees, and other persons entering the Facility, as well as to protect the assets of the Tribe, in compliance with the Compact.

7.2. Parking and Access. The Tribe shall engage qualified professionals to conduct a comprehensive parking study to determine actual parking demand within a reasonable time after operation of the Facility commences. If the study shows a parking shortage, the Tribe shall implement corrective measures. If the Tribe and the City disagree as to the need for additional parking or infrastructure improvements, or the cost thereof, the parties shall resolve the dispute as provided in Section 8 of this MOU.

7.3. Access to Facility. The City shall have the right to inspect the Facility subject to the terms and conditions of the Compact.

8. DISPUTE RESOLUTION

8.1. Dispute Resolution

A. Meet and Confer Process. In the event the City or the Tribe believes that the other has violated this MOU, it may request in writing that the Parties meet and confer in good faith for the purpose of reaching a mutually satisfactory resolution of the problem within fifteen (15) days of the date of service of said request, provided that if the complaining Party believes that the problem identified creates a threat to public health or safety, the complaining Party may proceed directly to arbitration as provided in Subsection D below.

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B. Notice of Dispute. If either Party is not satisfied with the result of the meet and confer process, such Party may provide written notice to the other, describing any alleged violation of this MOU ("Notice of Dispute"), with particularity and setting forth the action required to remedy the alleged violation.

C. Response to Notice of Dispute. Within fifteen (15) business days of service of a Notice of Dispute, the recipient Party shall provide a written response setting forth in detail the steps it has taken and/or will take to address the problem. The failure of the recipient Party to serve a timely response shall entitle the complaining Party to proceed directly to arbitration, as provided in Subsection E below.

D. Expedited Procedure for Threats to Public Safety. If the City or the Tribe reasonably believes that a violation of this MOU has caused or will cause a significant threat to public health or safety, resolution of which cannot safely be delayed for the time periods otherwise specified in this Section, the complaining Party may proceed directly to arbitration as described in Subsection E below. At least twenty-four (24) hours before proceeding in this manner, the complaining Party shall provide to the other a written request for correction and notice of intent to exercise its rights under this Subsection D, setting out the basis for its reasonable belief that there is an imminent threat to public health or safety.

E. Binding Arbitration Procedures. Subject to prior compliance with the meet and confer process set out above in Subsection A, the Notice and Response process in Subsections B and C, and except as provided in Subsection D, either Party may initiate binding arbitration to resolve any dispute arising under this MOU. The arbitration shall be conducted in accordance with the following procedures:

(1) The arbitration shall be administered by the Judicial Arbitration Management (JAMS) in accordance with its Comprehensive Rules and Procedures or other mutually agreed upon rules.

(2) The arbitration shall be held in Imperial County, California, unless otherwise agreed. The arbitrator shall be empowered to grant compensatory, equitable and declaratory relief.

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(3) If either Party requests an oral hearing, the arbitrator shall set the matter for hearing. Otherwise, the arbitrator shall decide whether to set the matter for hearing.

(4) The resulting award shall be in writing and give the reasons for the decision. Judgment on the award rendered by the arbitrator may be entered in the United States District Court for the Southern District of California in San Diego County. The costs and expenses of JAMS and the arbitrator shall be shared equally by and between the Parties unless the arbitrator rules otherwise.

8.2. Judicial Review. The Parties consent to judicial enforcement of any award in arbitration, which enforcement shall be in the United States District Court for the Southern District of California located in San Diego County. Service of process in any such judicial enforcement proceeding is waived in favor of delivery of court documents by Certified Mail - Return Receipt Requested to the following:

FOR THE TRIBE:

Tribal Chairperson
Manzanita Band of Kumeyaay Indians
P.O. Box 1302
Bridgman, CA 91905
Telephone: (619) 766-4730
Facsimile: (619) 766-4757

FOR THE CITY:

City Manager
City of Calexico
608 Heber Ave.
Calexico, CA 92231
Telephone: (760) 768-2110
Facsimile: (760) 768-2103

With copies to:

Jennifer Lyon, City Attorney
McDougal, Love, Eckis,
Smith, Bochner & Foley
460 North Magnolia
El Cajon, CA 92020

8.3. Limited Waiver of Tribal Sovereign Immunity. The Tribe agrees to a limited waiver of its sovereign immunity in favor of the City for any dispute that arises out of this MOU, pursuant to the terms set forth herein for resolution of any dispute. The Tribe's governing body shall execute a formal Resolution of Limited Waiver of Sovereign Immunity substantially identical to the attached Exhibit B, which Limited Waiver is a condition for the City's execution

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of this MOU. This limited waiver of sovereign immunity shall apply only to the City, and shall not operate for the benefit of, nor confer any rights upon, any third parties. The Tribe shall provide an opinion of its legal counsel, in a form reasonably acceptable to the Attorney for the City, to the effect that the waiver of sovereign immunity as stated in this Section and Exhibit B attached hereto has been adopted by the Tribe in accordance with both Tribal and Federal law and is effective.

8.4 Limitation of Actions. The Tribe's waiver of immunity from suit specifically allows the following actions and remedies:

A. Damages. This includes the enforcement of an award of money and/or damages by arbitration or court enforcement of an arbitration award; provided however that the arbitrator(s) and/or the court shall have no authority or jurisdiction to order execution against any assets or revenues of the Tribe except: (1) undistributed or future revenues of the Tribe's Facility in the City; (2) the future revenues of any other gaming operations conducted by the Tribe; (3) the assets of the Facility; and (4) any property that the Tribe acquires within the City, other than the Property that is intended to be the location of the Gaming Facility. In no instance shall any enforcement of any kind whatsoever be allowed against any assets of the Tribe other than the limited assets of the Tribe specified in this Section.

B. Consent and Approval. This includes the enforcement of a determination by an arbitrator that either Party's consent or approval has been unreasonably withheld contrary to the terms of this MOU.

C. Injunctive Relief and Specific Performance. This includes an action brought to preserve the status quo under Section 8.7 of this MOU or to otherwise compel arbitration or performance under this MOU.

8.5. Attorneys Fees. In the event either Party commences an Action (as defined herein) against the other Party which arises out of a default of, breach of, failure to perform this MOU or otherwise related to this MOU, the Prevailing Party in the Action shall be entitled to recover its Dispute Resolution Expenses (as defined herein) from the other Party in addition to whatever relief to which the Prevailing Party may be entitled. For the purposes of this Section, the term "Action" means any actions specified under Section 8.4 above, any arbitration or

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mediation, any action to enforce an arbitration award, or any other alternative dispute resolution procedure, and the filing, recording, or services of any process, notice, claim, lien, or other instrument which is a prerequisite to commencement of the Action. For the purposes of this section, the term "Dispute Resolution Expenses" means all costs and expenses, to the extent such are reasonable in amount, that are actually and necessarily incurred in good faith by the Prevailing Party directly related to the Action. For the purposes of this Section, the term "Prevailing Party," shall have the meaning ascribed in Code of Civil Procedure section 1032(a)(4).

8.6. Indemnification. Equitable indemnification principles under California law shall be applicable to this MOU. Either party may enforce its right to equitable indemnification through the procedures set out under Section 8 of this MOU.

8.7. Performance During Disputes. It is mutually agreed that during any kind of controversy, claim, disagreement or dispute, including a dispute as to the validity of this MOU, the City and Tribe shall continue to possess the rights, duties, and obligations set forth in this MOU, and the Tribe and the City shall continue their performance of the provisions of this MOU and its Exhibits. The City and the Tribe shall each be entitled to injunctive relief from a federal court or other competent authority to maintain such rights, duties, and obligations during any dispute, controversy, claim or disagreement arising out of this MOU.

9. GENERAL PROVISIONS

9.1. Notice. Any notice required to be given pursuant to this MOU shall be delivered to the appropriate Party by Federal Express or by Certified Mail Return Receipt Requested, addressed as follows:

If to the Tribe:

MANZANITA BAND OF THE KUMEYAAY NATION

P.O. Box 1302

Boulevard, CA 91905

Attn: Tribal Chair

Copies to:

Tribe's Attorney

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If to City:

City Manager
City of Calxico
608 Heber Ave.
Calxico, CA 92231

Copies to:

Jennifer Lyon, City Attorney
Mc Dougal, Love, Eakis,
Smith, Boehmer & Foley
460 North Magnolia
El Cajon, CA 92021

or to such other different address(es) as City or the Tribe may specify in writing. Any such notice shall be deemed given two (2) days following deposit in the United States mail or upon actual delivery, whichever first occurs.

9.2. Authority to Execute and Perform MOU. The Tribe and the City represent and warrant to each other that they have full power and authority to execute this MOU and to be bound by and perform the terms hereof. On request, each Party shall furnish the other evidence of such authority. The persons executing this MOU on behalf of the Parties hereto warrant that (a) such Party is duly organized and existing, (b) they are duly authorized to execute and deliver this MOU on behalf of said Party, (c) by so executing this MOU, such Party is formally bound to the provisions of this MOU, and (d) the entering into this MOU does not violate any provision of any other MOU to which said Party is bound.

9.3. Waivers. No failure or delay by the City or the Tribe to insist upon the strict performance of any term or condition of this MOU, or to exercise any right or remedy upon the breach thereof, shall constitute a waiver of any such breach or any subsequent breach of such term or condition. No term or condition of this MOU, and no breach thereof shall be waived, altered or modified except by written instrument. No waiver of any breach shall affect or alter this MOU but every term and condition of this MOU shall continue in full force and effect with respect to any other then existing or subsequent breach thereof.

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9.4. Captions. The captions for each Section and Subsection are intended for convenience only.

9.5. Interpretation: Severability. It is the intent of the parties that this MOU be interpreted as a whole to carry out the intent of the Parties. If any provision hereof is challenged as being invalid or unenforceable, it shall be construed, insofar as possible, to uphold its enforceability and if it cannot, and is held invalid or unenforceable, it shall be held severable and said invalidity shall not affect the validity of the remainder of this MOU, so long as the fundamental purposes hereof can be obtained.

9.6. Periods of Time. Whenever any action is to be taken on a date specified in this MOU, if such date falls on a Saturday, Sunday, or legal holiday under the laws of the Tribe or the State of California, said date shall be extended to the next day which is not a Saturday, Sunday or legal holiday.

9.7. Amendment. The parties may from time to time approve amendments hereto in the same manner as this MOU was approved. Any change to or modification of this MOU must be in writing signed by both Parties. Both Parties agree to negotiate in good faith to further the objectives of this MOU.

9.8. Entire MOU. This MOU, including the Exhibits referred to herein and any documents referenced herein or executed by the parties simultaneously herewith, which are expressly incorporated herein by reference, constitutes the entire understanding and MOU of the Parties hereto and supersedes all prior written or oral agreements between the Parties.

9.9. Government Savings Clause. Each Party agrees to execute, deliver and if necessary, record all additional instruments, certifications, amendments, modifications and other documents as may be required by the U. S. Department of the Interior, BIA, NIGC, the office of the Field Solicitor, or by any applicable statute, rule or regulation in order to effectuate, complete, perfect, continue or preserve the respective rights, obligations and interests of the Parties to the fullest extent permitted by law; provided, that any such additional instrument, certification, amendment, modification or other document shall not materially change the respective rights, remedies or obligations of either Party under this MOU or any other MOU or document related hereto.

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9.10. Preparation of MOU. This MOU was drafted and entered into after careful review and upon the advice of competent counsel; it shall not be construed more strongly for or against either Party. This MOU may not be unilaterally amended and shall be strictly construed as set forth herein to accomplish the purposes of the MOU.

9.11. Standard of Reasonableness. Unless specifically provided otherwise, all provisions of this MOU and all collateral MOUs shall be governed by a standard of reasonableness.

9.12. Execution. This MOU may be executed in four counterparts, two to be retained by each Party. Each of the four originals is equally valid.

9.13. Status Under Federal Law. This MOU does not constitute, create or convey an interest or encumbrance in real estate and shall not be recorded in any real estate records. In the event of default by the Tribe hereunder, the City's remedies are described in Section 8 of this MOU. The Tribe does not grant to or confer upon the City any authority with respect to the Trust Lands or Facility which is inconsistent with applicable federal law. The City and the Tribe agree that the City's continuing relationship with the Tribe with respect to the Trust Lands or Facility, shall be governed solely by the provisions of this MOU. The Parties further acknowledge that any other regulatory or other rights the City may have or claim with respect to the Trust Lands or Facility, or which are inconsistent with the provisions of this MOU, shall be discharged effective upon the conveyance of title to the Property to the United States to be held in trust for the Tribe as herein contemplated; provided, however that the City shall retain any and all rights provided under federal law.

9.14. No Third Party Beneficiaries. This MOU is not intended to, and shall not be construed to, create any right on the part of a third Party to bring an action to enforce any of its terms, or otherwise to impair the sovereign immunity of the Tribe.

9.15. Term. This MOU shall become effective upon its execution by the Parties hereto. In the event that the BIA determines that 25 U.S.C Section 81 requires this MOU to be executed for a specific period of time, the Parties agree that it shall be effective for the duration of the Compact, or any amendment or extension thereof. In the event that the BIA does not require a specific term, it is the intent of the parties that this MOU shall remain in full force and effect until terminated by mutual agreement of the Parties. If one party seeks to terminate this MOU

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and the other party does not agree to terminate, then the Parties shall resolve the dispute as provided in Section 8 of this MOU. If the Tribe is informed that the United States will not take the land into trust or that the Tribe may not conduct gaming activities thereon, this MOU shall terminate thirty (30) days after the Tribe is so informed. The Parties further agree that prior to the Property being taken into trust for the benefit of the Tribe, either party may terminate this MOU if its participation becomes fiscally infeasible subject to the right of the other party to an expedited dispute resolution review under Section 8.1(D) of this MOU.

9.16. Scope of Liability. The Parties intend that the scope of obligations and liabilities of the City to the Tribe and the Trust Lands regarding any municipal services shall be in parity with the obligations and liabilities, which normally operate with respect to citizens and businesses within the jurisdiction of the City. Consequently, nothing in this MOU shall: (1) expand or reduce any obligation of the City to provide services to the Tribe or the Trust Lands, or (2) expand or reduce any liability for damages with respect to the delivery of any services by the City beyond those obligations and liabilities which would be imposed by law as to citizens and businesses otherwise subject to the jurisdiction of the City.

10. MISCELLANEOUS PROVISIONS

10.1. Support for Project. In consideration for the obligations undertaken by the Tribe herein, the City shall provide the correspondence attached as Exhibit C to the United States Department of Interior, Bureau of Indian Affairs, in support of the application of the Tribe to the United States, shall request the United States to take the lands identified by the Tribe into trust for the benefit of the Tribe, and shall respond to inquiries about the Tribe's trust application from the Bureau of Indian Affairs in a manner that is consistent with Exhibit C, and shall provide all other correspondence or documents reasonably requested by the Tribe to facilitate or promote the development and successful operation of the Facility.

10.2. Tribal-City Joint Meetings. To promote a mutually beneficial relationship between the City and the Tribe, both Parties agree to have regular meetings to discuss ongoing issues with respect to the Trust Land, the Facility, City services, and any joint venture projects. Such meetings shall comply with the Brown Act requirements and any applicable Tribal laws. The parties agree to have these meetings at least once per year.

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EXHIBIT A

The provisions of this MOU are based on the Tribe's proposal to develop a first-class high-quality destination resort including a tribal gaming casino, hotel(s), restaurant(s), and other hospitality and entertainment amenities. The casino will have an anticipated total of 2000 slot machines and will not exceed the maximum allowed under the Tribal-State Gaming Compact between the Tribe and the State of California.

In addition to gaming, the following uses may be developed in conjunction with the Resort specifically authorized under this MOU. All uses shall be supportive uses to the gaming facility:

- Parking Structure
- Hotel/Motel
- Retail Mall
- Restaurants/Coffee Shops/Snack Bars
- Banquet Meeting Hall
- Entertainment Venue

If a use not listed above is proposed, and the City and Tribe cannot agree that the use is gaming-related, or is similar to the uses listed above, then the parties shall resolve the issue under the provisions in Section 8 of this MOU.

APPENDIX E

BIA Formal Request Letter



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

APR 10 2007

Brad Mehaffy, Environmental Coordinator
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Dear Mr. Mehaffy:

The Bureau of Indian Affairs (BIA), invites your participation as a Cooperating Agency, as provided by the National Environmental Policy Act (NEPA), in the preparation of an Environmental Impact Statement (EIS) for the Manzanita Band of the Kumeyaay Nation (Tribe) for the proposed 60.8-acre Fee-to-Trust Transfer and subsequent development of a Casino/Hotel in the City of Calexico, California. The gaming facility would be managed by Hallwood Calexico Investments, LLC (not affiliated with the City of Calexico), on behalf of the Tribal Government, pursuant to the terms of a management agreement between the Tribal Government and Hallwood Calexico Investments.

The project site consists of an undeveloped 60.8 acre parcel currently being used for agriculture purposes. The site is located in the northernmost gateway to the City of Calexico, a California/Mexico border city of growing importance in international trade. The project site is situated at the southwest quadrant of State Highway 111 and Jasper road and is bounded on the south and west by the Central Main and Dogwood Canals.

The Tribe proposes that the subject property be taken into federal trust and subsequent development of a casino and hotel complex and supporting infrastructure. The proposed casino would be approximately 220,000 square feet, and include a casino floor, retail components, food and beverage areas, banquet/meeting hall, parking structure, security section and a 260 room hotel.

The BIA will serve as the Lead Agency for the preparation of the EIS. At this time, we are also extending invitations to Imperial Irrigation District, Caltrans, Imperial County, City of Calexico, U.S. Fish and Wildlife Service, and the Natural Resources Conservation Service to participate in the EIS process as Cooperating Agencies. Please inform this office by April 27, 2007, as to your willingness to accept this role.

If you have any questions or need additional information, please contact Patrick O'Mallan, Environmental Protection Specialist, at (916) 978-6044, or John Rydzik, Chief, Division of Environmental, Cultural Resources Management and Safety, at (916) 978-6042.

Sincerely,

/s/ Amy L. Dutschke

Acting Regional Director

cc: Superintendent, Southern California Agency
Chairperson, Manzanita Reservation

Distribution List:
Cooperating Agencies
Manzanita Reservation 60.8 Acre
Casino/Hotel Project

Brad Mehaffy, Environmental Coordinator
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

Ms. Vickie Doyle
Assistant Engineer, Water Resources
Operating Headquarters
P.O. Box 937
Imperial, CA 92251

Mr. Ralph Velez
City Manager
City of Calexico
608 Heber Avenue
Calexico, CA 92231

Cydean Gillespie
District Conservationist
Natural Resources Conservation Service
177 North Imperial Avenue
El Centro, CA 92243

Mr. Jacob Armstrong,
Planning Division
Department of Transportation
4050 Taylor Street, MS 240
San Diego, CA 92110

U.S. Fish & Wildlife Service
Carlsbad Fish & Wildlife Office
6010 Hidden Valley Road
Carlsbad, CA 92009

Jurg Heuberger, AICP
Imperial County, Lasco
509 South, 8th Street
El Centro, CA 92243